JOURNAL

OF

THE SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE CITY OF FRANKFORT, ON MONDAY, THE FOURTH DAY OF NOVEMBER, IN THE YEAR OF OUR LORD, 1850, AND OF THE COMMONWEALTH, THE FIFTY-NINTH.

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JOURNAL OF THE SENATE.

At a General Assembly, begun and held for the State of Kentucky, at the Capitol, in the city of Frankfort, on Monday, the fourth day of November, one thousand eight hundred and fifty, (that being the day fixed by the constitution for the meeting of the General Assembly,) the following members of the Senate appeared and took their seats, viz:

From the first Senatorial District, John Eaker; from the second, Sam. Daviess Delany; from the third, Ben. Edwards Grey; from the fourth, James W. Irwin; from the fifth, Camden Riley; from the sixth, Thomas J. Smith; from the seventh, John W. Ritter; from the eighth, W. N. Marshall; from the ninth, Joshua Buster; from the tenth, Caleb B. Wallace; from the eleventh, Robert A. Patterson; from the twelfth, William Sterret; from the thirteenth, Robert S. Russell; from the fourteenth, James W. Hays; from the fifteenth, Hamilton Pope; from the sixteenth, Camden M. Ballard; from the seventeenth, William C. Bullock; from the eighteenth, Thomas P. Linthicum; from the nineteenth, James P. Barbour; from the twentieth, Beriah Magoffin; from the twenty-first, Alfred Johnston; from the twenty-second, Berry Smith; from the twenty-third, Hall Anderson; from the twenty-fourth, John P. Bruce; from the twenty-fifth, Thomas Rouse; from the twenty-seventh, James M. Shepard; from the twenty-eighth, Overton P. Hogan; from the twenty-ninth, Nimrod Routt; from the thirtieth, Nathaniel P. Saunders; from the thirty-first, Elihu Hogan; from the thirty-second, Richard C. Graves; from the thirty-third, Walter Chiles; from the thirty-fourth, John C. Kouns; from the thirty-fifth, Daniel Morgan; from the thirty-sixth, Fitch Munger; from the thirty-seventh, Thomas I. Young; from the thirty-eighth, Abijah Gilbert.

Who severally produced certificates of their election, and took the oath required by the constitution of this State.

The Hon. John L. Helm, the Lieutenant Governor and Speaker of the Senate, having become Governor, by the resignation of the Hon. John J. Crittenden, the Senate proceeded to the election of a Speaker for the occasion.

Mr. Morgan nominated Mr. Ben. Edwards Grey as Speaker for the occasion.

Mr. E. Hogan nominated Mr. Hamilton Pope.
Mr. Hays nominated Mr. Robert A. Patterson.
Mr. O. P. Hogan nominated Mr. Camden M. Ballard.

And upon taking the vote it stood thus:

Those who voted for Mr. Grey, were

John P. Bruce, James W. Irwin, Robert S. Russell,
Joshua Buster, Daniel Morgan, Berry Smith,
Walter Chiles, Robert A. Patterson, William Sterret,
Abijah Gilbert, John W. Ritter, Caleb B. Wallace—12.

Those who voted for Mr. Pope, were

Hall Anderson, Richard C. Graves, Fitch Munger,
James P. Barbour, Elihu Hogan, Camden Riley,
William C. Bullock, Thomas P. Linthicum, James M. Shepard—9.

Those who voted for Mr. Patterson, were

Ben. Edwards Grey, James W. Hays, Hamilton Pope—3.

Those who voted for Mr. Ballard, were

Sam. Daviess Delany, John C. Kouns, Nimrod Routt,
John Eaker, Beriah Magoffin, Nathaniel P. Saunders,
Overton P. Hogan, William N. Marshall, Thomas J. Smith,
Alfred Johnston, Thomas Rouse, Thomas I. Young—12.

No one in nomination having received a majority of all the votes given, the Senate proceeded to take a second vote, which stood thus:

Those who voted for Mr. Grey, were

John P. Bruce, Daniel Morgan, Berry Smith,
Joshua Buster, John W. Ritter, Caleb B. Wallace—7.
John C. Kouns,

Those who voted for Mr. Pope, were

Hall Anderson, Richard C. Graves, Fitch Munger,
James P. Barbour, Elihu Hogan, Camden Riley,
William C. Bullock, Thomas P. Linthicum, James M. Shepard—9.

Those who voted for Mr. Patterson, were

Walter Chiles, James W. Hays, Robert S. Russell,
Sam. Daviess Delany, James W. Irwin, William Sterret—8.
Abijah Gilbert, William N. Marshall,

Those who voted for Mr. Ballard, were

John Eaker, Beriah Magoffin, Nathaniel P. Saunders,
Overton P. Hogan, Thomas Rouse, Thomas J. Smith,
Alfred Johnston, Nimrod Routt, Thomas I. Young—9.

No one in nomination having received a majority of all the votes given, Mr. O. P. Hogan withdrew the nomination of Mr. Ballard.

Mr. Ballard nominated Mr. Thomas I. Young.

The Senate proceeded to take a third vote, which stood thus:

Those who voted for Mr. Grey, were

Walter Chiles, Daniel Morgan, William Sterret,
Sam. Daviess Delany, John W. Ritter, Caleb B. Wallace—8.
James W. Irwin, Berry Smith,

Those who voted for Mr. Pope, were

Hall Anderson,	Richard C. Graves,	Fitch Munger,
James P. Barbour,	Elihu Hogan,	Camden Riley,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard—9.

Those who voted for Mr. Patterson, were

Joshua Buster,	James W. Hays,	Robert S. Russell—4.
Abijah Gilbert,		

Those who voted Mr. Young, were

Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Nimrod Routt,
John Eaker,	Beriah Magoffin,	Nathaniel P. Saunders,
Overton P. Hogan,	William N. Marshall,	Thomas J. Smith—12.

No one in nomination having received a majority of all the votes given, Mr. Ballard withdrew the nomination of Mr. Young.

Mr. Johnston nominated Mr. Overton P. Hogan.

The Senate proceeded to take a fourth vote, which stood thus:

Those who voted for Mr. Grey, were

Sam. Daviess Delany,	Daniel Morgan,	Berry Smith—5.
James W. Irwin,	John W. Ritter,	

Those who voted for Mr. Pope, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
James P. Barbour,	Thomas P. Linthicum,	James M. Shepard,
William C. Bullock,	Fitch Munger,	Caleb B. Wallace—10.
Richard C. Graves,		

Those who voted for Mr. Patterson, were

Joshua Buster,	Abijah Gilbert,	Robert S. Russell,
Walter Chiles,	James W. Hays,	William Sterret—6.

Those who voted for Mr. O. P. Hogan, were

Camden M. Ballard,	John C. Kouns,	Nimrod Routt,
John P. Bruce,	Beriah Magoffin,	Nathaniel P. Saunders.
John Eaker,	William N. Marshall,	Thomas J. Smith,
Alfred Johnston,	Thomas Rouse,	Thomas I. Young—12.

No one in nomination having received a majority of all the votes given, Mr. Gilbert moved the following resolution, viz:

Resolved, That Daniel Morgan, Esq., be and he is hereby appointed Speaker, *pro tempore*, and that the Senate now proceed to the election of Clerk, Assistant Clerk, and such other inferior officers as may be necessary for its organization, and that on to-morrow the Senate will proceed to the election of its presiding officer.

And the question being taken on the adoption of said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Young, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	James W. Irwin,	Robert S. Russell,
Walter Chiles,	Fitch Munger,	James M. Shepard,
Abijah Gilbert,	Robert A. Patterson,	William Sterret—10.
Richard C. Graves,		

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	Overton P. Hogan,	John W. Ritter,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Nimrod Routt,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	Berry Smith,
John Eaker,	William N. Marshall,	Thomas J. Smith,
Ben. Edwards Grey,	Daniel Morgan,	Caleb B. Wallace,
James W. Hays,	Hamilton Pope,	Thomas I. Young—27.

Mr. Johnston withdrew the nomination of Mr. Overton P. Hogan, and Mr. Hays withdrew the nomination of Mr. Patterson.

Mr. Patterson moved the following resolution, viz:

Resolved, That after the next ballot, the Senator having the smallest number of votes be dropped, and so continue until a Speaker is elected.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Eaker and Grey were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Ben. Edwards Grey,	Camden Riley,
James P. Barbour,	James W. Hays,	John W. Ritter,
John P. Bruce,	Elihu Hogan,	Robert S. Russell,
William C. Bullock,	John C. Kouns,	James M. Shepard,
Joshua Buster,	Thomas P. Linthicum,	Berry Smith,
Walter Chiles,	Daniel Morgan,	Thomas J. Smith,
Sam. Daviess Delany,	Fitch Munger,	William Sterret,
Abijah Gilbert,	Robert A. Patterson,	Caleb B. Wallace—26.
Richard C. Graves,	Hamilton Pope,	

Those who voted in the negative, were

Camden M. Ballard,	Alfred Johnston,	Nimrod Routt,
John Eaker,	Beriah Magoffin,	Nathaniel P. Saunders,
Overton P. Hogan,	William N. Marshall,	Thomas I. Young—11.
James W. Irwin,	Thomas Rouse,	

Mr. Eaker nominated Mr. Nathaniel P. Saunders.

The Senate then proceeded to take a fifth vote, which stood thus:

Those who voted for Mr. Grey, were

John P. Bruce,	James W. Irwin,	John W. Ritter,
Joshua Buster,	John C. Kouns,	Robert S. Russell,
Walter Chiles,	William N. Marshall,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	William Sterret—13.
Abijah Gilbert,		

Those who voted for Mr. Pope, were

Hall Anderson,	James W. Hays,	Robert A. Patterson,
James P. Barbour,	Elihu Hogan,	Camden Riley,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Richard C. Graves,	Fitch Munger,	Caleb B. Wallace—12.

Those who voted for Mr. Saunders, were

Camden M. Ballard,	Alfred Johnston,	Nimrod Routt,
John Eaker,	Beriah Magoffin,	Thomas J. Smith,
Overton P. Hogan,	Thomas Rouse,	Thomas I. Young—9.

No one in nomination having received a majority of all the votes given, Mr. Eaker withdrew the nomination of Mr. Saunders.

Mr. B. Smith nominated Mr. John P. Bruce.

The Senate then proceeded to take a sixth vote, which stood thus:

Those who voted for Mr. Grey, were

Joshua Buster,	Alfred Johnston,	John W. Ritter,
Walter Chiles,	John C. Kouns,	Thomas Rouse,
Sam. Daviess Delany,	Beriah Magoffin,	Robert S. Russell,
John Eaker,	William N. Marshall,	Thomas J. Smith,
Overton P. Hogan,	Daniel Morgan,	William Sterret—16.
James W. Irwin,		

Those who voted for Mr. Pope, were

Hall Anderson,	James W. Hays,	Camden Riley,
Camden M. Ballard,	Elihu Hogan,	Nimrod Routt,
James P. Barbour,	Thomas P. Linthicum,	Nathaniel P. Saunders,
William C. Bullock,	Fitch Munger,	James M. Shepard—13.
Richard C. Graves,		

Those who voted for Mr. Bruce, were

Abijah Gilbert,	Berry Smith,	Thomas I. Young—5.
Robert A. Patterson,	Caleb B. Wallace,	

No one in nomination having received a majority of all the votes given, Mr. B. Smith withdrew the nomination of Mr. Bruce.

Mr. Gilbert nominated Mr. James W. Irwin.

The Senate then proceeded to take a seventh vote, which stood thus:

Those who voted for Mr. Grey, were

John P. Bruce,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John C. Kouns,	Berry Smith,
Walter Chiles,	Beriah Magoffin,	William Sterret,
Sam. Daviess Delany,	William N. Marshall,	Caleb B. Wallace,
John Eaker,	Daniel Morgan,	Thomas I. Young—17.
Overton P. Hogan,	John W. Ritter,	

Those who voted for Mr. Pope, were

Hall Anderson,	James W. Hays,	Camden Riley,
Camden M. Ballard,	Elihu Hogan,	Nimrod Routt,
James P. Barbour,	Thomas P. Linthicum,	Nathaniel P. Saunders,
William C. Bullock,	Fitch Munger,	James M. Shepard—13.
Richard C. Graves,		

Those who voted for Mr. Irwin, were

Abijah Gilbert,	Robert S. Russell,	Thomas J. Smith—4.
Robert A. Patterson,		

No one in nomination having received a majority of all the votes given, at 12 o'clock, M., Mr. Patterson moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Young, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John Eaker,	Beriah Magoffin,
James P. Barbour,	Elihu Hogan,	Robert A. Patterson—8.
William C. Bullock,	Alfred Johnston,	

Those who voted in the negative, were

Camden M. Ballard,	James W. Irwin,	Nimrod Routt,
John P. Bruce,	John C. Kouns,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	William N. Marshall,	James M. Shepard,
Sam. Daviess Delany,	Daniel Morgan,	Berry Smith,
Abijah Gilbert,	Fitch Munger,	Thomas J. Smith,
Richard C. Graves,	Hamilton Pope,	William Sterret,
Ben. Edwards Grey,	Camden Riley,	Caleb B. Wallace,
James W. Hays,	John W. Ritter,	Thomas I. Young—29.
Overton P. Hogan,	Thomas Rouse,	

Mr. Patterson then moved that the Senate take a recess until 3 o'clock, P. M.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. B. Smith and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Abijah Gilbert,	Beriah Magoffin,
Camden M. Ballard,	Richard C. Graves,	Robert A. Patterson,
James P. Barbour,	James W. Hays,	Hamilton Pope,
William C. Bullock,	Elihu Hogan,	Camden Riley,
Joshua Buster,	James W. Irwin,	Nathaniel P. Saunders,
Walter Chiles,	Alfred Johnston,	Caleb B. Wallace—19.
John Eaker,		

Those who voted in the negative, were

John P. Bruce,	William N. Marshall,	Robert S. Russell,
Sam. Daviess Delany,	Daniel Morgan,	James M. Shepard,
Ben. Edwards Grey,	Fitch Munger,	Berry Smith,
Overton P. Hogan,	John W. Ritter,	Thomas J. Smith,
John C. Kouns,	Thomas Rouse,	William Sterret,
Thomas P. Linthicum,	Nimrod Routt,	Thomas I. Young—18.

The Senate re-assembled at 3 o'clock, P. M., and proceeded to take the eighth vote between those remaining in nomination, which stood thus:

Those who voted for Mr. Grey, were

John P. Bruce,	James W. Irwin,	Thomas Rouse,
Joshua Buster,	Alfred Johnston,	Robert S. Russell,
Walter Chiles,	John C. Kouns,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	William N. Marshall,	William Sterret,
Abijah Gilbert,	Daniel Morgan,	Caleb B. Wallace,
Overton P. Hogan,	John W. Ritter,	Thomas I. Young—21.

Those who voted for Mr. Pope, were

Hall Anderson,	James W. Hays,	Camden Riley,
Camden M. Ballard,	Elihu Hogan,	Nimrod Routt,
James P. Barbour,	Thomas P. Linthicum,	Nathaniel P. Saunders,
William C. Bullock,	Fitch Munger,	James M. Shepard—14.
Richard C. Graves,	Robert A. Patterson,	

Mr. Ben. Edwards Grey, having received a majority of all the votes given, was declared duly elected Speaker for the occasion, and being conducted to the chair by Messrs. Eaker and Linthicum, returned thanks and recommended the observance of order and decorum.

Mr. Linthicum nominated Mr. J. Russell Hawkins as a proper person to fill the office of Clerk of the Senate during the present session.

Mr. Sterret nominated Mr. Theodore Kohlhass.

And upon taking the vote it stood thus:

Those who voted for Mr. Hawkins, were

Hall Anderson,	Richard C. Graves,	Robert A. Patterson,
James P. Barbour,	James W. Hays,	Hamilton Pope,
John P. Bruce,	Elihu Hogan,	John W. Ritter,
William C. Bullock,	James W. Irwin,	Nimrod Routt,
Joshua Buster,	Alfred Johnston,	Robert S. Russell,
Sam. Daviess Delany,	Thomas P. Linthicum,	Thomas J. Smith—20.
John Eaker,	Beriah Magoffin,	

Those who voted for Mr. Kohlhass, were

Mr. Speaker, (Grey,)	William N. Marshall,	James M. Shepard,
Camden M. Ballard,	Daniel Morgan,	Berry Smith,
Walter Chiles,	Fitch Munger,	William Sterret,
Abijah Gilbert,	Camden Riley,	Caleb B. Wallace,
Overton P. Hogan,	Thomas Rouse,	Thomas I. Young—17.
John C. Kouns,	Nathaniel P. Saunders,	

Mr. J. Russell Hawkins having received a majority of all the votes given, was declared duly elected Clerk of the Senate during the present session. Whereupon, he took the oath required by the constitution of this State.

Mr. Morgan nominated Mr. Thomas D. Tilford as a proper person to fill the office of Assistant Clerk of the Senate during the present session.

Mr. Barbour nominated Mr. William T. Samuels.

Mr. Graves nominated Mr. Caleb M. Mathews.

And upon taking the vote, it stood thus:

Those who voted for Mr. Tilford, were

Hall Anderson,	James W. Irwin,	Nimrod Routt,
John P. Bruce,	Alfred Johnston,	James M. Shepard,
William C. Bullock,	John C. Kouns,	Berry Smith,
Joshua Buster,	Beriah Magoffin,	Caleb B. Wallace,
John Eaker,	Daniel Morgan,	Thomas I. Young—19.
Abijah Gilbert,	Fitch Munger,	
Elihu Hogan,	Thomas Rouse,	

Those who voted for Mr. Samuels, were

Mr. Speaker, (Grey,) William N. Marshall, Robert S. Russell,
James P. Barbour, Robert A. Patterson, Nathaniel P. Saunders,
Sam. Daviess Delany, Camden Riley, Thomas J. Smith,
James W. Hays, John W. Ritter, William Sterret—13.
Thomas P. Linthicum,

Those who voted for Mr. Mathews, were

Camden M. Ballard, Richard C. Graves, Hamilton Pope—5.
Walter Chiles, Overton P. Hogan,

Mr. Thomas D. Tilford having received a majority of all the votes given, was declared duly elected Assistant Clerk of the Senate during the present session. Whereupon, he took the oath required by the constitution of this State.

Mr. John D. McClure was unanimously elected Sergeant-at-Arms of the Senate during the present session. Whereupon, he took the oath required by the constitution of this State.

Mr. E. Hogan nominated Mr. John Hathaway as a proper person to fill the office of Doorkeeper during the present session.

Mr. Bullock nominated Mr. Lewis B. Fenwick.

Mr. Ballard nominated Mr. Edward M. Shepard.

Mr. T. J. Smith nominated Mr. C. A. Everhart.

Mr. Sterret nominated Mr. William G. Jones.

Mr. Ritter nominated Mr. James A. Neale.

Mr. Wallace nominated Mr. Ben. Selby.

And upon taking the vote, it stood thus:

Those who voted for Mr. Hathaway, were

Elihu Hogan, Overton P. Hogan—2.

Those who voted for Mr. Selby, were

James P. Barbour, Abijah Gilbert, Fitch Munger,
Walter Chiles, Thomas P. Linthicum, Thomas Rouse,
John Eaker, Daniel Morgan, Caleb B. Wallace—9.

Those who voted for Mr. Fenwick, were

Hall Anderson, Richard C. Graves, Nimrod Routt,
John P. Bruce, John C. Kouns, James M. Shepard,
William C. Bullock, Beriah Magoffin, Berry Smith—10.
Joshua Buster,

Those who voted for Mr. Shepard, were

Camden M. Ballard, Hamilton Pope, Thomas I. Young—5.
Alfred Johnston, Nathaniel P. Saunders,

Those who voted for Mr. Neale, were

James W. Hays, William N. Marshall, John W. Ritter—5.
James W. Irwin, Robert A. Patterson,

For Mr. Everhart—Thomas J. Smith—1.

Those who voted for Mr. Jones, were

Mr. Speaker, (Grey,) Camden Riley, William Sterret—5.
Sam. Daviess Delany, Robert S. Russell,

No one in nomination having received a majority of all the votes given, the nomination of Mr. Everhart was withdrawn.

The Senate proceeded to take a second vote, which stood thus:

For Mr. Hathaway—Elihu Hogan—1.

Those who voted for Mr. Selby, were

James P. Barbour, John Eaker, Abijah Gilbert, Thomas P. Linthicum, Daniel Morgan, Fitch Munger, Berry Smith, Caleb B. Wallace—8.

Those who voted for Mr. Fenwick, were

Hall Anderson, John P. Bruce, William C. Bullock, Joshua Buster, Richard C. Graves, John C. Kouns, Nimrod Routt, James M. Shepard, Thomas I. Young—9.

Those who voted for Mr. Shepard, were

Camden M. Ballard, Hamilton Pope—2.

Those who voted for Mr. Neale, were

James W. Hays, James W. Irwin, William N. Marshall, Robert A. Patterson, John W. Ritter, Thomas J. Smith—6.

Those who voted for Mr. Jones, were

Mr. Speaker, (Grey,) Walter Chiles, Sam. Daviess Delany, Overton P. Hogan, Alfred Johnston, Beriah Magoffin, Camden Riley, Thomas Rouse, Robert S. Russell, Nathaniel P. Saunders, William Sterret—11.

No one in nomination having received a majority of all the votes given, the nomination of Mr. Hathaway was withdrawn.

Mr. O. P. Hogan moved the following resolution, viz:

Resolved, That after the next ballot the candidate having the smallest number of votes be dropped until a Doorkeeper be elected.

Which was adopted.

The Senate proceeded to take a third vote, which stood thus:

Those who voted for Mr. Selby, were

James P. Barbour, Walter Chiles, Abijah Gilbert, Thomas P. Linthicum, Beriah Magoffin, Daniel Morgan, Fitch Munger, Camden Riley, Berry Smith, Caleb B. Wallace—10.

Those who voted for Mr. Fenwick, were

Hall Anderson, John P. Bruce, William C. Bullock, Joshua Buster, Richard C. Graves, Elihu Hogan, John C. Kouns, Nimrod Routt, James M. Shepard, Thomas I. Young—10.

Those who voted for Mr. Shepard, were

Camden M. Ballard, Hamilton Pope, Nathaniel P. Saunders—3.

Those who voted for Mr. Neale, were

James W. Hays, James W. Irwin, William N. Marshall, Robert A. Patterson, John W. Ritter, Thomas J. Smith—6.

Those who voted for Mr. Jones, were

Mr. Speaker, (Grey,) Sam. Daviess Delany, John Eaker, Overton P. Hogan, Alfred Johnston, Thomas Rouse, Robert S. Russell, William Sterret—8.

No one in nomination having received a majority of all the votes given, the Senate proceeded to take a fourth vote, which stood thus:

Those who voted Mr. Selby, were

Camden M. Ballard,	Abijah Gilbert,	Fitch Munger,
James P. Barbour,	Thomas P. Linthicum,	Hamlton Pope,
Walter Chiles,	Daniel Morgan,	Caleb B. Wallace—9.

Those who voted for Mr. Fenwick, were

Hall Anderson,	Richard C. Graves,	Nimrod Routt,
John P. Bruce,	Elihu Hogan,	James M. Shepard,
William C. Bullock,	John C. Kouns,	Thomas I. Young—10.
Joshua Buster,		

Those who voted for Mr. Neale, were

James W. Hays,	Robert A. Patterson,	Berry Smith,
James W. Irwin,	John W. Ritter,	Thomas J. Smith—7.
William N. Marshall,		

Those who voted for Mr. Jones, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Robert S. Russell,
Sam. Daviess Delany,	Beriah Magoffin,	Nathaniel P. Saunders,
John Eaker,	Camden Riley,	William Sterret—11.
Overton P. Hogan,	Thomas Rouse,	

No one in nomination having received a majority of all the votes given, the Senate proceeded to take a fifth vote, which stood thus:

Those who voted for Mr. Selby, were

Camden M. Ballard,	James W. Hays,	Hamilton Pope,
James P. Barbour,	Thomas P. Linthicum,	Berry Smith,
Walter Chiles,	Daniel Morgan,	Caleb B. Wallace—11.
Abijah Gilbert,	Fitch Munger,	

Those who voted for Mr. Fenwick, were

Hall Anderson,	Richard C. Graves,	Nimrod Routt,
John P. Bruce,	Elihu Hogan,	James M. Shepard,
William C. Bullock,	John C. Kouns,	Thomas I. Young—11.
Joshua Buster,	John W. Ritter,	

Those who voted for Mr. Jones, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Thomas Rouse,
Sam. Daviess Delany,	Beriah Magoffin,	Robert S. Russell,
John Eaker,	William N. Marshall,	Nathaniel P. Saunders,
Overton P. Hogan,	Robert A. Patterson,	Thomas J. Smith,
James W. Irwin,	Camden Riley,	William Sterret—15.

No one in nomination having received a majority of all the votes given, the Senate proceeded to take a sixth vote, which stood thus:

Those who voted for Mr. Selby, were

Camden M. Ballard,	Abijah Gilbert,	Fitch Munger,
James P. Barbour,	James W. Hays,	Hamilton Pope,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
John Eaker,	Daniel Morgan,	Caleb B. Wallace—12.

Those who voted for Mr. Fenwick, were

Hall Anderson,	Richard C. Graves,	William N. Marshall,
John P. Bruce,	Elihu Hogan,	Nimrod Routt,
William C. Bullock,	Overton P. Hogan,	James M. Shepard,
Joshua Buster,	John C. Kouns,	Thomas I. Young—12.

Those who voted for Mr. Jones, were

Mr. Speaker, (Grey,)	Robert A. Patterson,	Robert S. Russell,
Sam. Daviess Delany,	Camden Riley,	Nathaniel P. Saunders,
James W. Irwin,	John W. Ritter,	Thomas J. Smith,
Alfred Johnston,	Thomas Rouse,	William Sterret—13.
Beriah Magoffin,		

No one in nomination having received a majority of all the votes given, the Senate proceeded to take a seventh vote, which stood thus:

Those who voted for Mr. Selby, were

Camden M. Ballard,	James W. Hays,	Hamilton Pope,
James P. Barbour,	Thomas P. Linthicum,	Berry Smith,
Walter Chiles,	Daniel Morgan,	Caleb B. Wallace—11.
Abijah Gilbert,	Fitch Munger,	

Those who voted for Mr. Fenwick, were

Hall Anderson,	Richard C. Graves,	William N. Marshall,
John P. Bruce,	Elihu Hogan,	Nimrod Routt,
William C. Bullock,	Overton P. Hogan,	James M. Shepard,
Joshua Buster,	John C. Kouns,	Thomas I. Young—12.

Those who voted for Mr. Jones, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Robert S. Russell,
Sam. Daviess Delany,	Robert A. Patterson,	Nathaniel P. Saunders,
John Eaker,	Camden Riley,	Thomas J. Smith,
James W. Irwin,	John W. Ritter,	William Sterret—14.
Alfred Johnston,	Thomas Rouse,	

No one in nomination having received a majority of all the votes given, the Senate proceeded to take the eighth vote, which stood thus:

Those who voted for Mr. Fenwick, were

Hall Anderson,	Richard C. Graves,	Fitch Munger,
James P. Barbour,	Elihu Hogan,	Hamilton Pope,
John P. Bruce,	John C. Kouns,	James M. Shepard,
William C. Bullock,	Thomas P. Linthicum,	Berry Smith,
Joshua Buster,	Daniel Morgan,	Caleb B. Wallace—16.
Abijah Gilbert,		

Those who voted for Mr. Jones, were

Mr. Speaker, (Grey,)	James W. Irwin,	Thomas Rouse,
Camden M. Ballard,	Alfred Johnston,	Nimrod Routt,
Walter Chiles,	Beriah Magoffin,	Robert S. Russell,
Sam. Daviess Delany,	William N. Marshall,	Nathaniel P. Saunders,
John Eaker,	Robert A. Patterson,	Thomas J. Smith,
James W. Hays,	Camden Riley,	William Sterret,
Overton P. Hogan,	John W. Ritter,	Thomas I. Young—21.

Mr. William G. Jones having received a majority of all the votes given, was declared duly elected Doorkeeper of the Senate during the pres-

ent session. Whereupon, he took the oath required by the constitution of this State.

And then the Senate adjourned.

TUESDAY, NOVEMBER, 5, 1850.

Mr. Irwin moved the following resolution, viz:

Resolved, That a message be sent to the House of Representatives to inform them that the Senate have met, elected ther officers, and are now ready to proceed to legislative business.

Which was adopted.

Whereupon, Messrs. Irwin, Bullock, and Young, were appointed to bear said message.

Mr. Chiles moved the following resolution, viz:

Resolved, That a committee of three be appointed to wait upon the Governor, in conjunction with such committee as may be appointed by the House of Representatives, to notify him that the Legislature is organized and ready to proceed to business, and to ascertain whether he has any communication to make to this body, and at what time it will suit his pleasure and convenience to make such communication.

Which was adopted.

Whereupon, Messrs. Chiles, T. J. Smith, and Pope, were appointed the committee in pursuance of said resolution.

Mr. Bullock moved the following resolution, viz:

Resolved, That W. L. Callender, editor of the Daily Commonwealth, be allowed a seat upon the floor of the Senate for the purpose of reporting its proceedings for that paper.

Which was adopted.

Mr. Ballard moved the following resolution, viz:

Resolved, That the clergy of the different denominations of christians, in the city of Frankfort, be and they are hereby requested to open the Senate each morning, during the session, with prayer.

Which was adopted.

Mr. Eaker moved the following resolution, viz:

Resolved, That the rules which governed the deliberations of the Senate, at its last session, be and they are hereby adopted for the government of this Senate until otherwise altered or amended; and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Which was adopted.

Mr. Bullock moved the following resolution, viz:

Resolved, That a committee of six be appointed to report to the Senate rules for its government, and any changes in those of the last session which they may deem advisable.

Which was adopted.

Whereupon, Messrs. Bullock, Pope, Bruce, Linthicum, Ritter, and Patterson, were appointed the committee in pursuance of said resolution.

Mr. Magoffin moved the following resolution, viz:

Resolved, That W. W. Stapp, editor of the Yeoman, be allowed the privilege of a seat on this floor for the purpose of reporting the proceedings of the Senate.

Which was adopted.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 6, 1850.

Mr. John W. Leathers, a member of the Senate from the twenty-sixth Senatorial District, appeared, and produced a certificate of his election, and having taken the oath required by the constitution of this State, took his seat.

Mr. Linthicum read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That on Monday, the 11th instant, the General Assembly will proceed to elect three persons, learned in the law, whose duty it shall be to revise and arrange the Statute Laws of this Commonwealth, both civil and criminal, so as to have but one law on any one subject; also, on said day, will proceed to elect three other persons, learned in the law, whose duty it shall be to prepare a Code of Practice, both civil and criminal, in this Commonwealth.

And then the Senate adjourned.

THURSDAY, NOVEMBER 7, 1850.

A message was received from the House of Representatives, by Messrs. Payne, Hanson, and McElroy, announcing that the House had met and organized, and was ready to proceed to legislative business.

A message was received from the House of Representatives, by Messrs. McFarland and Bradley, announcing that they had appointed a committee, on their part, to wait upon the Governor and inform him that the General Assembly had convened and was now ready to receive any communication he might think proper to make.

The committee heretofore appointed on the part of the Senate retired, and after a short time returned, when Mr. Chiles reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would make a communication in writing to each House in a few moments.

A message in writing was received from the Governor, by Mr. Finnell, Secretary of State, which was read as follows, viz:

Gentlemen of the Senate
and House of Representatives:

Since the adjournment of the last general assembly the duties of the chief magistracy of this commonwealth have devolved upon me, in consequence of the resignation of Governer Crittenden. Governor Crittenden could not well be spared by Kentucky at this period, and the people are only reconciled to his departure, by the fact that he has accepted a post at Washington, which, though its duties required a resignation of the office confided to him by the people of Kentucky, extended the sphere of his action and his usefulness. Kentucky gave him up, that he might, on another theatre than that which she had assigned him, devote himself to his country, and the promotion of his country's welfare.

The present is an important period in the history of our beloved state. In the month of June last, the new constitution was proclaimed as the paramount law of the land. On that day, the organic law—the constitution under which for fifty years Kentucky had kept her onward march—the constitution, which for half a century had secured to her people all the rights of freemen, was done away, and a new instrument proclaimed in its stead. May we not have reason to congratulate ourselves as a people, if fifty years hence we shall find ourselves as prosperous, as happy, and as contented as we now are. The changes in government made by the new constitution are many—some of these changes are radical—yet they were made without bloodshed, without strife, and without disturbing the peaceful current of public and private business. How different the scenes from those which, in days past and even now, mark changes in government in the old world. A handful of men assembled in the representative chamber, by a single dash of the pen change the whole structure of the government. No scenes of disorder or of violence attend the proclaiming of the new system. All is calm and quiet. The proclamation is made—the handful of men adjourn and depart for their homes. Their authority is gone—they have finished their labors, and their power has ceased. The new order of things begins, and the people move on peacefully and quietly as before. Such a spectacle challenges the admiration of the world. It teaches a lesson invaluable to the cause of freedom.

Differ as we may as to the propriety of many of the changes in the form of government, it is our duty, and should be our pleasure, to acquiesce in them, and so direct legislation as fairly and fully to test their wisdom. Any factious opposition to the constitution now, would, it seems to me, be unwise if not unpatriotic. The people, through their chosen representatives, have ordained it as the law of the land. The people, by a direct vote at the polls, by a majority almost unparalleled in our history, declared in its favor, and is it not now the duty of every good citizen to give to it a steady support, that the changes it proclaims may be fairly tried. This, in my judgment, we owe to the people, to the country, and to ourselves.

I tender you my cordial congratulations upon the general good health and prosperity of our people.

I may also congratulate you on the financial affairs of the state. The revenue is abundant to meet the ordinary demands upon the treasury, and will furnish a handsome surplus to be applied in payment of the public debt. On the first day of

July last, for the first time since the establishment of the school fund, the full amount of the interest on the debt due the commissioners was paid by the first auditor.

Your attention is asked to the following statement of the financial condition of the state. You will find it more in detail by reference to the reports of the first and second auditors, and treasurer.

The receipts into the treasury during the year, ending 10th October, 1850, were - - - - - - - - - -	$598,602 29
Balance on hand 1st October, 1849, - - - - - -	21,009 55
Making, - - - - - - - - - - -	619,611 84
Expenditures from 10th October, 1849 to 10th October, 1850, -	522,754 78
Balance in treasury, - - - - - - - - -	$96,857 06

This sum includes not only the ordinary revenue and sinking fund account, but the extraordinary receipts for paying expenses of the convention.

For the year 1850, it is estimated by the second auditor that the receipts from all sources will be - - - - - - -	$466,612 40
Whilst the expenditures, including the sum payable to the sinking fund and for school purposes, &c., will be - - - -	463,603 39
Supposed balance in the treasury on the 10th October, 1851,	3,009 01

The fiscal year of the sinking fund runs from January to January; the interest on the public debt being payable on the first days of January and July of each year.

The change in the time fixed for the meeting of the general assembly places it out of my power to render to you an exact and specific statement of the receipts and disbursements of the commissioners of the sinking fund for the current year.

The receipts of the sinking fund, beginning 1st January, 1850, and ending 31st December, including the balance on hand at the close of the year 1849, the revenue transferred and to be transferred by the second auditor to the credit of the sinking fund, the dividends due from the banks, and the probable receipts from other sources, amount to about the sum of - -	$444,113 74
The total amount of disbursements for the same time, including the expenses of repair on the rivers, payment of the interest on the debt due to individuals and on the school fund, and other expenses, will amount to about - - - - - - -	365,888 39
Balance to the credit of the sinking fund, - - - - -	$78,225 35

The report of the first auditor will more fully and minutely set forth the receipts and expenditures.

The capacity of the sinking fund, its future operations, the prompt payment of the interest, and the final extinguishment of the principal of the debt of the state, are matters of deep public concern, and will demand your attentive consideration.

I have given that section of the constitution which dedicates the resources of the sinking fund to the payment of the interest and principal of the public debt a careful consideration, and my mind has been brought to the conclusion that the payment of the interest on the school fund is no longer a charge on the sinking fund. Of the correctness of this construction I am pefectly satisfied, yet I find there are those who do not concur with me.

I regard the settlement of this question as of much importance, and I therefore give the reasons and facts upon which my opinion is based, and ask that you will, in the consideration of this question, give to these reasons such weight as, in your

judgment, they deserve, feeling satisfied that you will settle the question in such a manner as shall meet the views of the framers of the constitution, and best promote the public welfare.

The 34th section of article 2 of the constitution, is in the following language:

"The general assembly shall have no power to pass laws to diminish the re-
"sources of the sinking fund, as now established by law, until the debt of the
"state be paid, but may pass laws to increase them; and the whole resources of
"said fund, from year to year, shall be sacredly set apart and applied to the pay-
"ment of the interest and principal of the state debt, and to no other use or pur-
"pose, until the whole debt of the state is fully paid and satisfied."

The 1st section of article 11 is as follows:

"The capital of the fund called and known as the 'common school fund,' con-
"sisting of one million two hundred and twenty five thousand seven hundred and
"sixty eight dollars and forty-two cents, for which bonds have been executed by
"the state to the board of education, and seventy three thousand five hundred
"dollars of stock in the bank of Kentucky; also, the sum of fifty-one thousand
"two hundred and twenty three dollars and twenty nine cents, balance of interest
"on the school fund for the year 1848, unexpended, together with any sum which
"may be hereafter raised in the state, by taxation or otherwise, for purposes of
"education, shall be held inviolate, for the purpose of sustaining a system of com-
"mon schools. The interest and dividends of said funds, together with any sum
"which may be produced for that purpose, by taxation or otherwise, may be ap-
"propriated in aid of common schools, but for no other purpose. The general
"assembly shall invest said fifty one thousand two hundred and twenty three
"dollars and twenty nine cents in some safe and profitable manner; and any por-
"tion of the interest and dividends of said school fund, or other money or property
"raised for school purposes, which may not be needed in sustaining common
"schools, shall be invested in like manner. The general assembly shall make
"provision, by law, for the payment of the interest of said school fund: *Pro-*
"*vided*, That each county shall be entitled to its proportion of the income of said
"fund; and if not called for, for common school purposes, it shall be reinvested,
"from time to time, for the benefit of such county."

These two sections plainly indicate two distinct subjects or lines of policy—the one, the prompt payment of the interest and the gradual extinguishment of the principal of the public debt; the other, the fostering and sustaining a system of common schools. To these important matters the attention of the framers of the constitution seems to have been especially directed, and it is, by that instrument, made the imperative duty of the general assembly to see that the public will, as indicated in the constitution, is carried out. To accomplish these two grand objects, it needs no argument to prove that a very large sum of money will be required during every year. The 34th section gives a constitutional direction to certain laws in force at the time the constitution was adopted and proclaimed, incorporating the commissioners of the sinking fund, until the purposes for which that fund was created be accomplished. The commissioners of the sinking fund, or such other person or persons as may be charged with the disbursement of the proceeds of that fund, are vested only with power to receive and set apart that fund, and apply it to the payment of the interest and the extinguishment of the principal of the state debt, until that debt shall be fully paid. It is clear that the sinking fund is first charged with the payment of the interest; and, if there be a surplus, that surplus goes to the payment of the principal *of the debt for the extinguishment of which the sinking fund was established.* So firmly were the framers of the constitution resolved to hold the fund sacred to the extinguishment of this debt, that, though they gave full power to the general assembly to increase the resources of the fund, they expressly deny all power to diminish those resources, until the debt be fully paid.

It would be doing great injustice to the intelligent body of men who framed the constitution, to suppose them capable of laying the foundation of two great financial schemes—charges upon the wealth of the state—without fully understanding the state's resources. It is to be presumed that they understood the amount of the public debt, and the periods at which that debt matured; and their object seems to have been, so to apportion the annual payments as would extinguish the public debt at maturity. If such was not the purpose of the framers of the constitution, then, the hope held out by the 34th section, that the means provided and to be provided were to be used to pay, and would ultimately pay the public debt, is delusive.

It becomes necessary to look into the several legislative acts passed in aid of the sinking fund, that we may learn the resources of that fund, and that we may understand upon what data the action of the convention was based. The following statement will exhibit the estimated resources of the sinking fund.

By the statute of 1836, (3d statute, 292,) there were given to the sinking fund:

The tax on the capital stock of the Bank of Kentucky, Louisville, and Northern Banks, yielding $35,000. Proceeds of dividends on states stock in turunpike roads, yielding $25,000. Proceeds of tolls on the Kentucky and Green river slackwater navigation, yielding $30,000. Surplus in the treasury over $10,000; subsequently, in session of 1844–5, reduced to $5,000. Premium on sale of state bonds.

By the act of 1836, act of February, 1838, (3d statute, 321,) and act of 1843, (session acts, 49,) there were added to the sinking fund:

Dividends on 7,000 shares of stock in Bank of Kentucky, estimated at 8 per cent., $56,000. Dividend on 2,399 shares of stock in the Bank of Kentucky, 8 per cent., $19,192. Dividend on 400 shares Northern Bank stock, 8 per cent., $3,200. Excess of 3 per cent. on $250,000 of stock subscribed in Northern Bank and paid in the bonds of the state, bearing five per cent., now held by Bank of Kentucky, $7,500. Dividend on 406 shares of stock purchased in the Bank of Louisville, 8 per cent., $3,248.

By the act of 1843, (session acts, 35.) Proceeds of five cents tax on the $100 worth of property; average yield, $125,000.

By session acts, 1845, page 69, and session acts, 1847, page 55, the following resources were added: State stock in Lexington and Ohio Railroad, $150,000, estimated at a fraction over 6 per cent., 10,000. Proceeds of bond executed by the Louisville and Frankfort railroad to the state, $76,420, at 6 per cent., $4,585—these two items not receivable until the roads declare a dividend. In the latter, some time may elapse before a dividend will be declared.

By acts of 1838, (3d statute, 322,) profits of penitentiary.

Session acts, 1843, page 87, tax on broker's offices.

By act of 1838, (3d statute, 322,) proceeds of lease of water power.

By act of 1837, (3d statute, 106,) proceeds of debts due to Bank of the Commonwealth, and state's portion of debts due to old Bank of Kentucky.

By statute of 1845, (session acts, page 31,) proceeds of the sales of non-residents' lands. The proceeds of the Craddock fund. The last enumerated resources may be classed as miscellaneous, and uncertain, and estimated at an average yield of $4,000.

If to this sum the further sum of $20,000 may be safely added for surplus in the treasury over $5,000 arising from biennial sessions of the legislature, you have the full product of the sinking fund, amounting to - - $342,725

Amount of yearly disbursement, - - - - - - - 250,000

Annual surplus, - - - - - - - - - - $92,725

The surplus in the sinking fund for 1850, it is supposed, will amount to $78,225 35.

The surplus in the treasury is under the control of the general assembly, and may, from time to time, be profitably and wisely used in aid of the sinking fund, by judicious appropriations to unfinished public improvements. Whether there will be an increase in the valuation of the property of the state, and an increase, from that cause, of the surplus in the sinking fund, will depend mainly upon the selection of faithful and competent assessors. I am inclined, however, to think, the surplus will not probably exceed $100,000, nor will it fall short of $50,000. If, however, nothing shall be derived from the revenue—and the prababilities are, there will be no surplus from the revenue for a few years—then we may safely set down the annual surplus in the sinking fund at from $65,000 to $75,000.

I cannot, in candor, restrain the expression of my fears that the election of the assessors of taxable property will not prove to be a successful and valuable change, and that it may result in consequences tending to embarrass and confuse our system of finance. Allow me, therefore, respectfully to suggest, that their duties be plainly prescribed and enforced by the infliction of adequate penalties. I have long entertained the opinion that the employment of a number of persons in the same county, to assess the value of property, could not fail to multiply the chances of unequal taxation. With a view to guard against such a result, I suggest for your consideration the propriety of providing by law for the appointment, in each county, of a board of equalization, consisting of two or more persons; the duty of such board to be to meet after the return of the commissioners' books at the county town, and to carefully examine the valuation of property, and to equalize the same by increasing or decreasing the value as assessed by the assessors. Such a system has been adopted by other states, and has been attended with success, not only in guarding the public interest, but in giving satisfaction to the people. Such a supervisory power could not fail to render the assessors more vigilant and uniform in the discharge of their duties, and guard the citizen against the partiality or prejudice which may be engendered by a heated election or other improper cause.

Having ascertained the resources of the sinking fund, we must now look to the annual demand upon it for interest, the amount of debt to be paid, and the periods at which that debt will mature. I here subjoin a statement of the debt, which, according to my understanding, is to be paid out of the proceeds of the sinking fund. In this statement I include only the debt to individuals, and not that due to ihe commissioners of the school fund.

There is now due, of the public debt, the sum of - - -		$545 00
Of bonds bearing 5 per cent. interest there will fall due in 15 years, the sum of - - - - - -	$221,000 00	
In 16 years, the sum of - - - - -	100,000 00	
In 21 years, the sum of - - - - -	165,000 00	
In 23 years, the sum of - - - - -	100,000 00	
Total amount of 5 per cent. bonds, - - - - -		536,000 00
Of bonds bearing 6 per cent. there will fall due in 18 years, the sum of - - - - - - - -	$1,250,000 00	
In 20 years, the sum of - - - - -	447,500 00	
In 21 and 22 years, the sum of - - -	1,738,000 00	
In 24 years, the sum of - - - - -	150,000 00	
In 26 and 28 years, redeemable after 15 years at the pleasure of the state, - - - - -	69,000 00	
The Craddock fund, 6 per cent., - - -	6,592 81	
Total amount of 6 per cent. bonds to fall due, - - - -		3,661,092 81
Total amount of public debt due to individuals and corporations, other than the commissioners of the school fund, -		$4,247,637 81

Bonds of the state were issued to the Northern Bank in payment of stock in that bank to the amount of $250,000. Those bonds are still outstanding, represented by an equal amount of stock in the bank. The stock is estimated as equal to the bonds, and by the discharge of the bonds the stock will be absorbed. If that amount be added to the above sum—and it has been usual so to class it—you have the same sum reported by my predecessor, less $15, paid since his annual message. I have thought proper to separate the $250,000 issued in payment of Northern Bank stock from the other debt, for the reason that certain means are provided for its payment.

By the above table it will be seen that the public debt to individuals, &c., amounts to the sum of $4,247,637 81. The interest on that sum, chargeable to the sinking fund is $248,999; to which add a fraction over $1,000 for contingencies and expenses, and you have an annual interest charge of the sum of $250,000, provided the public debt be not reduced.

It is a matter of interest to know to what extent a given sum applied annually to the payment of the public debt, added to the yearly increase of the surplus created by the yearly reduction of the principal, would reduce the debt. I will illustrate my idea by assuming $50,000 as the sum to be paid annually. That sum applied annually upon the basis before stated, will, in fifteen years, reduce the public debt $1,283,626; $62,500 annually applied for the same period, will reduce the debt $1,604,532; $75,000 annually applied for same period, will reduce the debt $1,925,423; $87,500 annually applied for same period, will reduce the debt $2,246,344; $100,000 annually applied for same period, will reduce the debt $2,567,352.

Thus you will perceive that, by the payment of the largest supposed annual surplus, there will remain unpaid of the public debt at the end of fifteen years, the sum of $1,680,285. I have not extended my calculations beyond fifteen years, because about that time the charters of the old banks of the state expire, and the resources of the sinking fund may be very materially changed.

To pay the supposed balance of $1,680,285, the state has, beside her investment on the rivers and turnpike roads, bank stock $1,020,500; stock in Lexington and Frankfort railroad $150,000; the bond of the Louisville and Frankfort railroad for $76,420—making an aggregate of $1,246,920; which, if it could be applied to the payment of the debt due at the end of fifteen years, would leave but $433,365 due and unpaid. This calculation is based upon the supposition that the public debt may be paid at par.

How far the resources of the sinking fund may be affected by the recent increase of banking capital in the state, is a question I cannot determine. It is not improbable, however, that the banks in which the state has stock, and from which she derives a handsome dividend annually, may think it safe to diminish their business; on the other hand, however, the increased capital, if demanded by the business and commercial interests of the country, will promote the general prosperity, increase the value of property and the rate of assessment, all of which will redound to the benefit of the general revenue and sinking fund accounts. These are questions belonging more peculiarly to the commissioners of the sinking fund. To them the constitution has confided a high and important duty—they are charged with the preservation of the public faith. It is your duty, however, to see that they lack not the means to preserve untarnished the state's good name.

You now have before you what the sinking fund can perform, if left to its operations independent of and wholly relieved from the payment of the interest on the school fund. Its capability to pay the interest on that fund, together with the sum due to individuals, &c., will now be tested.

The school fund amounts to the sum of - -	$1,326,770 01	
The annual interest on that sum is - - - - - - -		67,013 49
Add to that the sum to be paid to individuals and cover contingencies, - - - - - - - - - - - -		250,000 00
And you have the aggregate sum of interest, payable annually,		$317,013 49

Charge the resources of the sinking fund with that sum, annually, and you have the data before you upon which to determine the sufficiency or insufficiency of the fund for the payment of the whole interest and the whole debt of the state.

It is plain to be seen that the two purposes cannot be accomplished by that fund. Indeed, the strong probabilities are, that the fund may become inadequate to the full payment of the *interest*, due alike to individuals and to schools. In such an event, the language of the constitution, being an imperative injunction to pay the *interest*, would place disbursing officers in the attitude of all other holders of trust funds. Where the fund is inadequate to the payment of all its charges, it becomes the duty of the trustee to make a *pro rata* distribution. The legal presumption is, that all the interest bonds or coupons will be presented at maturity. What right would a disbursing officer have to postpone one and pay the other? What right would he have, if sworn to support the constitution, to discriminate between creditors? If such right exist, then he has the power to postpone one as well as the other. So, by such construction, the constitution would be made to defeat its own high purpose of preserving inviolate the public credit by the obstinacy and self-will of a subordinate public officer. Such a course would embarrass the operations of the sinking fund, jeopardize the public credit, and confuse the regular operations of the school system. We know, not only from the political intelligence of the framers of the constitution, but from an examination of their debates, that they had before them, in substance, the data here presented. The object of the 34th section was to secure, beyond all contingency, the public credit from dishonor—to provide for the certain payment of the interest and principal of the state's indebtedness. This provision was sought to be made, by declaring in the constitution the sinking fund to be a sacred fund—to be held in trust for the payment of the *interest* and *principal* of the state's debt. And in view of the known fact of the inadequacy of that fund to accomplish that purpose and pay the interest on the school fund, in the 1st section of article 11, after ascertaining the amount and dedicating the school fund, the constitution uses this language: "*The general assembly shall provide the means by law for the payment of the interest of said school fund.*" Here, there is an act to be performed, in future, by creating a fund necessary to the accomplishment of the entire purpose of the constitution; the performance of which renders the mandates of the constitution easy of execution and free from embarrassment. If such be not the true construction, then the constitution makes no innovation upon the existing statutes, except to make it imperative upon the disbursing officers to pay to the school fund its due proportion of whatever there may be to pay. This would result in endless and inextricable confusion. But if the command be directory to pay the interest, it is equally imperative to pay the principal of the school fund. That construction—if you regard the injunction to pay the principal of the public debt of any obligatory force—will make it necessary to increase the resources of the sinking fund to an amount which will be equal to the payment of the entire interest, and, by gradual reduction, ultimately to sink the principal of the whole debt.

To pay the interest and sink the principal of a debt is the true meaning of the term "sinking fund." To give such a fund a direction which will fail to accomplish that purpose, will be to divert it from the legitimate ends of its creation.

In forming an estimate of any financial regulation, the history of the past should not be neglected; the light of experience as well as the voice of reason should be consulted. From our own national government we may learn a lesson of the

beneficial effects of a well regulated sinking fund. The large national debt due by us at the termination of the late war with Great Britain was finally discharged by the operation of a sinking fund. The national debt created by the prosecution of the war with Mexico must be paid by the same financial scheme. Shall we be governed by the lights of experience, and in a time of unexampled prosperity provide for and guard against an evil hour? Or, shall we rush on blindly, indifferent to the future, until we find ourselves overwhelmed in debt—to meet which, the people must be borne down with heavy and insupportable taxation, with the greater part of the available resources exhausted by the expiration of the charters of the banks—or driven to the odious and ruinous principle of funding our debt—is a question for you to determine? But to return to the argument. Is the principal of the school fund a debt which is to be paid? I think not. I think the 1st section of the 11th article of the constitution was intended to be a constitutional recognition of the existence of a fund, the active or actual means of which were known to have been exhausted; but to give perpetuity to its existence, that constitutional recognition was made. It was made the high duty of every sworn legislator to see that the interest on that fund, thus recognized by the constitution, was promptly paid. I think it was not contemplated to obliterate or cancel the principal of this debt to the common school commissioners, by a payment in money. If you diminish the principal, in like ratio you reduce the income. The principal once paid must be absorbed either in its application to schools, or, under the requisitions of the constitution, vested in stocks. Such investment would subject it to the legislative will, and it might as well be vested in turnpike, railroad, river stock, or bank stock, as in any other. The power of the legislature over it, if once paid, would be full and complete. Thus may the fund under such construction be made to loose its high constitutional position; and while the legislature may squander it, the constitutional provision will be left inoperative—a standing monument of legislative folly. Has not the exercise of such a power been the subject of deep seated murmuring on the part of the people, affording a fruitful source of popular clamor to stump orators and parliamentary debaters? The postponement of the interest due to the board of education, and the full payment of that due to individuals, has been denounced by some as a robbery of the poor children of the country, and by others as an act of repudiation. It is paying but a poor compliment to the intelligence of any man professing to know anything of the financial history of the state, to ascribe to him ignorance of the fact, that it was the inability of the sinking fund to meet the interest due, as well to individuals as the school fund, which produced the postponement of the school fund interest.

The point to which I wish to bring the legislature is totally to separate the two funds in their operations, and make them mutually independent. Let each look to and rely upon its own resources. Make the children of the country no longer dependent upon the crumbs which may fall from the table of others. Let it be the purpose and duty of the commissioners of the sinking fund to strengthen into manhood its funds, that it may be adequate to the payment of the public debt. Let it no longer be entangled and weakened by looking to the payment of contingent remainders.

In like manner make the resources of your school system certain and fixed, that the individual to whom may be committed the important trust of superintending the education of the children of the country, may know how far to extend the system, and what amount he may safely calculate upon to sustain those in operation. Those who framed the constitution, while they deprived you of the honor of originating a scheme for the more certain success of the common school system, relieved you from the responsibilty of providing the means. They direct what shall be done—it is your to obey. It was stated on the floor of the convention that the 11th article would, eventually, lead to an increase of taxation for educational purposes. If that statement was denied, it has escaped my notice. Indeed, it could not have

been successfully controverted, if it was designed that any part of the principal of the state's debt should be paid under the operation of the 34th section. When I say it may be considered that you have lost the honor, by the fact of acting in obedience to a command, I mean to be understood as expressing the opinion that there is more honor won by a public man in the performance of one voluntary act—noble in its character, having for its object the conferring of lasting advantages upon the community—than by serving half a lifetime in the performance of the ordinary routine of legislative business, compensated by the barren honor of repeated elections.

Fifteen years have passed away since the laying of the statutory foundation of common schools. During the greater part of that time nothing was accomplished, either from the jealousy of parties or unbecoming timidity on the part of the representatives of the people. The genius of orators was employed in amusing the children and their parents by naratives of what had been and what had not been done for them; yet, while they amused and entertained, they left the children uninstructed. At length a resolution was taken to submit the great question to the people, and most nobly did they rebuke the timidity of their former representatives, and fully vindicate the truth that bills drawn upon them for the noble purpose of educating the youth of the country will not be dishonored.

Since that time, I am happy to say, the common school system is rapidly and steadily extending itself throughout the commonwealth. The people in every part of the state are becoming more and more interested in this great scheme, and there remains no doubt of our ability to accomplish every thing that the most sanguine friends of the cause have ever proposed. In this, however, as in every great and beneficent undertaking, we must not forget that the results to be attained bear a constant proportion to the wisdom, the energy, and the steadfastness, with which the object is pursued. The general education of the people is an object of the very highest importance in all possible conditions of human society, and is absolutely vital in free states. It has been from the foundation of this commonwealth the subject of many and highly favorable legislative enactments, and of many and most honorable exertions, both general and local. Now, more than ever, we must consider it as one of the settled and most important questions of the public policy of Kentucky, to bring the blessings of education within the reach of all her youth. I have to assure the general assembly that no part of my public duty will be more grateful to me, than a hearty concurrence in all that may be judged needful in carrying to the highest perfection, a system of public education which will be worthy of the state, and answerable to the high career which she proposes to herself. This is a platform upon which, for a glorious and common object, all men, all parties, and all interests may cordially unite.

The great question of extending the system of general education beyond the common school, and providing higher advantages for the future prosecution of knowledge, is certainly well worthy the consideration of the legislature. Nothing should be done to jeopardize, in the least degree, the perfect success of the common school system. But I recommend to the legislature the inquiry, whether it is not completely in its power, and, indeed, one of the means of perfecting the common school system, to devise some plan by which some portion of the school fund may be annually used in such manner as to furnish to the more meritorious pupils of the district school more extended opportunities. One palpable result of such a plan, would be the furnishing of a great and constantly increasing number of highly qualified teachers for the schools of the state—a result, if there were no other, of incalculable importance. Nothing could inspire a more cordial state of feeling among the youth of the commonwealth, than to be taught at the same school, and receive their education at the hands of a neighbor, friend, and associate.

For particular information, touching this subject in all its bearings, I refer you

to the annual report of our able and intelligent superintendent of public instruction.

Pursuant to an act of the last legislature there was executed to the board of education the bond of the state for $101,001 59. The school fund now consists of the bonds of the state to the amount of $1,326,770 01.

There has been paid by the commissioners of the sinking fund to the board of education since the last session, the sum of -	$33,506 75
The amount due from the treasury, collected in 1849, - -	39,554 96
The amount collected in the year 1850, - - - - -	49,854 98
There will be due and payable from the sinking fund 1st January, 1851, - - - - - - - - - - -	33,506 75
Making, - - - - - - - - - -	$156,423 44

If the sinking fund is no longer charged with the annual interest on the school fund, and the sum necessary to pay that interest be raised by taxation, the resources of the school fund may be hereafter estimated as follows:

The amount of interest payable on bonds of state, - - -	$67,013 49
Product of two cent tax, - - - - - - - -	48,854 98
Bank dividends, - - - - - - - - - -	5,880 00
Aggregate, - - - - - - - - -	$122,747 47

The accounts of the sinking and school fund are now closed, as shown by the above expose. You now have it in your power, if, indeed, it is not your bounden duty, to place the system of common schools on a footing safe and sure, and by the certainty of its resources, infuse new ardor and zeal, and strengthen the hopes of its friends and advocates.

I feel an abiding conviction that you will discharge that important duty in a manner to commend yourselves to the favorable consideration and lasting gratitude of the people.

We are admonished by every patriotic feeling, every desire to contribute to the purity of our free institutions, to set about putting this system into operation, that it may be engrafted as part and take deep root in our new form of government; that it may date its efficient organization with and progress as part of the great system of reform adopted by the people. In this country every man is a sovereign, and it should be our business to qualify every citizen for a public servant. Let us do this, and we may have the proud consolation of witnessing the cultivated intellect rise above and bid a lofty defiance to the power of money.

The capacity of the people to superintend and direct the management of public affairs, is the principle upon which our government is founded. The people have not this capacity unless they have the knowledge to enable them to understand the value of a free government, and the virtue to sustain it. Equality is necessary to the preservation of a republic; our laws have been wisely directed to create and preserve that equality.

The newly established form of government has for one of its objects the extension of that principle in the government. To confide to the direct care and control of the people the greatest extent of power that can be exercised consistent with good order, is one of its contemplated purposes. While it is the great leading principle upon which our government is founded, that man is capable of self-government, we would deny an infallible truth if we should undertake to controvert the fact that man is a compound of good and evil. It should be the first purpose of society to cultivate man's highest and distinguishing attribute, that he may himself learn the great truth that man is only competent to govern others when he shall have learned to govern himself; teach him that he must first be

taught how to correct the evil that is in his own heart, before he can safely l trusted with the correction of the evil in the hearts of others. Without knowl edge, without education, without science, a nation cannot long be free. An hun ble village school house, with its unpretending master and ragged urchins, is mo terrible to the despot than legions of armed soldiery. Rear your children in i norance, and they are ready to be made slaves. Educate them—teach them ho to be free—and no power on earth can enslave them.

Before dismissing entirely those subjects which are more intimately connecte with the finances of the state, permit me to suggest a difficulty arising from th construction I have given to the 34th section of the constitution, and which ma produce some embarrassment. My construction of that section is, that the com missioners of the sinking fund, or other officers charged with the disbursement c that fund, are vested with no other power than to receive, set apart, and pay over from year to year, first the interest and then the surplus to the extinguishment o the debt. The difficulty is in this: The bonds of the state bearing six per centum per annum are now above par, ranging from five to seven per cent. premium. I am satisfied that a yearly demand for them will certainly increase the rate of premium. Are the commissioners to go into the market and buy the bonds, whenever they shall have a surplus, regardless of the premium; or shall they keep the funds until they are able to buy at par? Will they be permitted to use the surplus fund otherwise than in the direct payment of the debt of the state? May the surplus be invested in other stocks, and held for the use of the commissioners charged with the payment of the debt until such time as the bonds may be purchased at par? If the power to invest is admitted, the law incorporating the commissioners of the sinking fund, as passed in 1844–5, allows ample discretion, if not deemed inconsistent with the provisions of the constitution. The people are prone to censure officers. To give confidence in the state's public officers and agents, and to relieve them from unnecessary and unmerited censure, it is the duty of the general assembly to define with certainty their duties, powers, and responsibilities. I therefore invite the attention of the legislature to the questions here suggested, and ask an expression of opinion at as early a day as practicable.

In this connection allow me to suggest that the labor of superintending and auditing the ordinary revenue, the sinking fund, and the school fund, is too onerous to be borne by one man; and I recommend, therefore, the establishment of a bureau, or the appointment of a second auditor; and that such duties may be assigned to that bureau or officer as may be found necessary to the successful management of the business confided to the first or chief auditor.

The affairs of the state penitentiary will of course receive your attention. The number of prisoners in confinement on the 1st of December, 1849, as reported in the last annual message of my predecessor, was one hundred and forty-one. Seventy-one had been received from that period up to the 20th of October last. Twenty-eight had been discharged, two had escaped, and twenty three had died, leaving one hundred and fifty-nine at that time in confinement. A detailed statement of the affairs of the institution will be furnished to you by the agent and keeper in due time. Early in the month of August last, the cholera made its appearance in the prison, and did not entirely disappear until about the middle of September. Too much praise cannot be awarded to the agent, physician, and other officers of the prison, for their kind, constant, and faithful attention to the wants of the prisoners during that trying period; all the operations of the institution were suspended, and nothing was left untried to relieve the wants of the sick, and calm the fears of those who were well. I do not doubt that the affairs of the prison have been well and prudently managed.

The change in the mode of selecting the public officers, and in the tenure of office, under the new form of government, will make it your duty, in my judgment

to re-adjust the tariff of salaries and fees paid to the several officers. This task I am very well aware, is a delicate one, and will be attended with no little difficulty. But delicate and difficult as the task is, I do not entertain a doubt that you will agree with me in opinion that the success of the experiment of popular elections depends greatly upon its manly and fearless performance. You must inspire confidence in the new system by inviting men of good judgment, sound principles, and practical business habits to fill the various offices of the government. Yours is a highly responsible, and, to the mere politician, by no means an enviable position. The framers of the constitution have given the people a government eminently popular. To you is confided the difficult and certainly not less responsible duty of putting the government into successful operation. The services of men who are honest, competent, and faithful, can be secured only by offering good salaries. If the fees and salaries be fixed at a low rate, the standard of merit and worth in an officer will be correspondingly low. A man who is found willing to work for the state at a merely nominal salary, will most frequently be found to be worth less than his pay, little as that pay may be. For good work we must be willing to pay a good price. I wish it understood, however, that I do not advise an extravagant or wasteful expenditure of the public treasure. There should be economy in all the departments of the government. The burthens of the people should not be unnecessarily increased. Men differ, however, very widely in their views of public as well as private economy. Some measure the standard of economy by the sums actually paid out. I do not so view it. In the employment of public agents, true economy consists in procuring for the least price the services of men who are qualified to perform the duties of their respective stations, with promptitude, with skill, and with fidelity. The services of such men are well worth the largest sum the most liberal would be willing to pay.

In the consideration of this subject allow me, with earnestness and deep solicitude, to call your especial attention to the compensation of judicial officers. There is no principle, in the change from the old to the new form of government, in which the triumph of the new is so deeply implicated, as in the success of the judicial system.

It would be an idle task, if not indeed an insult to your judgment, for me to consume your time in an elaborate essay upon the importance of an independent judiciary. Freemen—intelligent freemen—understand the importance of having a judiciary free and independent. They know it is essential to the preservation of the rights of a free people. It is essential to the preservation of the constitution—the people's charter. It is necessary to the protection of the weak against the oppressions of the strong. It is necessary to hold in check the bad passions of the mob. No nation can be free if it have a dependent judiciary. There is but one way to secure an independent judiciary. You must offer such inducements as will invite to the bench the best men of the state—men of known legal ability and of unquestioned integrity—men who will not fear to look danger in the face—men who will not hesitate to shield the innocent and punish the guilty—who will interpose between the mob and its victim. You must secure men who will represent truly the majesty of the law; then, and not till then, will you have secured a firm, faithful, and independent judiciary.

I am aware that there prevails in the minds of many of the people a prejudice against the payment of what are called "high salaries." What are high salaries? Certainly the people of Kentucky have no reason to complain that their public treasure has been squandered in the payment of exorbitant salaries to their public servants, at least not to their judiciary. It is a fact, known to us all, that the salaries heretofore paid, even with the limited amount of labor to be performed, have failed, to some extent, to command the services of the ablest and best lawyers. The reason is too obvious for comment.

In consequence of the reduction of the number of districts, the physical and

mental labor to be performed by the judge, will be increased probably one third, and his personal expenses will be in like manner increased. If when, heretofore, the labor was less, the place obtained without a struggle, and the tenure was for good behaviour, the salary offered failed to command, generally, the best men, is it probable it will do it now? I am sure you will answer it will not. Will a lawyer in good business, with many and valuable fees half earned, with a practice confined to a small circuit, allowing him time for repose and improvement, to enjoy some of the comforts of domestic life, and to aid by personal superintendence an economical administration of his private affairs—will such a man consent to receive a judgeship?—to receive less pay, perform more labor, and to submit to the very many deprivations which he must necessarily undergo—to involve himself first in a doubtful contest, in which he will be subjected to all the unpleasant incidents which we know attend a popular election, and at the end of six years, run the risk of being superseded and brought back to the bar to renew his practice. Your own good sense will furnish a prompt answer to the question. The increased labor, mental and physical, will render it necessary that men who attain judicial stations, should be sound lawyers when they enter upon the discharge of their duties, for they will have but little time afterwards to read and acquire a scientific knowledge of the law. They must be good lawyers when they go upon the bench, or they never will be good judges afterwards.

I deny that it is either just or proper to make the allowance to a public officer barely sufficient to meet his necessary yearly expenditures. Men should employ the vigor of manhood in acquiring the means of support in advanced age. They must guard against penury and want, when they shall be no longer able to labor. Wise men plant the tree in the days of their youth, that shall shelter and protect them on their road to the grave. If you do not provide a salary sufficient to justify the employment of the whole time of a judge, he will, if a man possessing the proper amount of energy to make him a useful public officer, prompted not less by interest than by the instinct of his nature, look to other means to supply the wants of his family. Thus he may be part judge and part farmer, trader, merchant, or something else, until at length he will become an incomplete part of any thing. But it is said much is due to the honor of the station. True, it is agreeable to a large majority of men to be placed by the confidence of their fellow-citizens in positions from which they derive distinction and honor. But the lives of our public men too well attest that men cannot *live* on honor. I submit, whether by making your offices places of honor alone, you will not confer them upon that class of men who have wealth to live independent of office, and thus rather create distinctions than produce equality in society. To my mind the true policy is to give a full, fair, liberal, and just equivalent for the services of a capable man, whether rich or poor, that the offices may be objects of fair competition among the meritorious, and let honor follow a faithful and enlightened discharge of the duties of the station.

You cannot be blind to the fact that in this glorious country of ours, there are vast fields every where opening to the enterprising and energetic men of thought, which promise most bountiful returns for labor. If we would appropriate to our state the services of men who are invited to those fields of promise, we must pay them and that liberally. The state should not ask the labor of her citizens for a less sum than that labor will command from others. A parsimonious allowance to the public officers will cause the offices to be looked to with indifference by the really meritorious and worthy, and ultimately the government must fall into the hands of those who will rely more on the chances of peculation than the compensation allowed by law.

I most respectfully invite you to inform yourselves of the action and policy of other states upon this subject, and more especially of those which have adopted your popular theory of government.

What I have said in regard to the salary of the district judges will apply with equal if not with greater force to the appellate judges—more especially if they are required to hold courts in different parts of the state. You have the power to require the judges of the appellate court to hold their sittings in four different districts, embracing different sections of the state. In considering the propriety of exercising that power, you will doubtless regard it in all its bearings; the convenience to the people in bringing near them the court of the last resort; the increase of litigation; the expense attending it; the increase of judicial labor, and the multiplying officers, are all considerations to be weighed by you.

I suggest for your consideration the propriety of giving probate jurisdiction to the presiding judge of the county court. By allowing moderate, yet adequate fees to compensate for the labor performed in the settlement of estates, aided by a reasonable salary paid out of the county levy, the office of presiding judge may be made to command the services of able and competent men. There rests on the commonwealth a high obligation to see that the estates of deceased persons are fairly administered. By giving to the presiding judge a supervisory power over administrations, and requiring yearly reports to be made to him by executors, administrators, and guardians, of the precise condition, productive use, and the manner of management of estates—great security will be given to infants who are incapable in law to manage their estates. It might not be improper to vest the judge with power to direct what portion of the estate should be expended in rearing and educating children, whose estates are in the hands of fiduciaries. If the county court shall be made to offer inducements sufficient to command the services of competent men, it might, in the future, be found safe to increase its jurisdiction, and thereby lessen the labors of the circuit judges, which I apprehend will be found so onerous, as, in the end, greatly to retard the administration of justice.

There is nothing of more importance to a commonwealth than that the penal laws, though administered in mercy, be faithfully, promptly, and efficiently executed. Punishment should be measured by the turpitude of the crime committed, yet it should be inflicted with certainty and decision. Public opinion recoils at the infliction of excessive punishment.

The office of commonwealth's attorney is one of great importance to society and to the individual citizen. The office should be filled by men of ability and decision of character. Under the new constitution that office will be attended with much labor, and, in consequence of the increased size of the judicial districts, it will require a much larger personal expenditure than heretofore.

With a view to secure the prompt attention and faithful discharge of the duties assigned the various officers who receive fixed salaries, it is made your duty by the constitution to regulate, by law, in what case deductions shall be made for a neglect of duty.

It is your duty under the constitution to provide by adequate penalties against bribery or treating in elections. This I regard as a highly important matter. A man should not be permitted to win an office of profit or honor, by means which are dishonorable and degrading. It will be your duty also to pass such laws as in your wisdom may be deemed necessary to prevent or punish all tumult and disorder at the polls. Your enactments on these subjects cannot be too stringent, if you would keep pure the stream along which all candidates for public honor must pass.

By the constitution it is made the duty of the present general assembly to appoint "not more than three persons, learned in the law, whose duty it shall be to "revise and arrange the statute laws of the commonwealth, both civil and crimi- "nal, so as to have but one law on any one subject; and also three other persons, "learned in the law, whose duty it shall be to prepare a code of practice for the "courts, both civil and criminal, in this commonwealth, by abridging and simplifying the rules of practice and laws in relation thereto."

capital, and you will make the regions, which are now considered poor, by far the most wealthy and prosperous in the state. Manufacturing establishments will spring up all around you. They will afford a good home market for your agricultural products, and the aggregate wealth of the state will be greatly increased.

Kentucky must not close her eyes to the future. Her sister states, with fewer natural advantages than she possesses, are far ahead of her in the struggle for wealth and greatness. They work while we are idle. Difficulties that seem to appal our people, are apparently unnoticed by them in their onward march. Nature has not slighted us. She has given us a soil unequalled—a position, geographically, that will enable us, if we will but avail ourselves of it, to rival the most favored and prosperous of our sisters.

It is gratifying to know that many of our fellow-citizens are beginning to observe and estimate properly the disadvantages under which we shall labor, if we are much longer blind to the movements our sister states are making. S. Carolina, Alabama, Georgia, and Tennessee are actively engaged in a great railroad enterprise, in which we are deeply interested. They are stretching out their iron arms towards our border, and they invite us to aid them in the completion of their great work. We have thus far done comparatively nothing towards the construction of railroads. Yet, I doubt, if there is a state in the union more interested than Kentucky in such works of improvement in the valley of the Mississippi. Several of the most important lines in the country must pass through Kentucky, and if we lend our energies to the work, they will be completed at no very distant day. May we not hope that the spirit which has recently manifested itself to begin the work, will continue to grow until the many lines now completed and in progress to our borders are met by lines passing through our state. If we can by this means avail ourselves of the rich markets of the north and south for our surplus products, we shall have wealth enough at home, without sending our people to seek it in other and distant lands. Let not Kentucky be behind others in the effort to bind together this great nation with bands of iron. Let not Kentucky's link be wanting in the great chain that is to encircle our nation and make us one people.

Since the adjournment of the last general assembly, the nation has been called to mourn the loss of a great and good man—Zachary Taylor, chief magistrate of the United States. Though we deeply and sincerely lament his death, we have great reason to congratulate ourselves that his mantle has fallen upon a man worthy to wear it. Millard Fillmore, the president of the United States, has exhibited in his administration of the affairs of the general government, a liberality, a fairness, and a fidelity to the constitution, that have won for him a widely extended and an honorable fame. His manly and patriotic devotion to the union, entitle him to the gratitude of every true lover of his country. With such a man at the head of affairs we may feel well satisfied that all the powers of the executive will be honestly, faithfully, and firmly directed to the execution of the laws and the preservation of the constitution.

The clouds which for some months past blackened the political horizon and threatened the safety of the union have been dispelled, and the skies are again bright and full of promise and of hope. In the passage of the compromise measures by the last congress, the friends of the union achieved a triumph that carried joy and gladness to the fireside of every habitation in Kentucky, and caused a thrill of pleasure in every patriotic heart in the union. The plotters of the nation's ruin have been defeated and put to shame, and the friends of liberty every where rejoice.

The people of Kentucky learned with honest pride that their representatives played a conspicuous and noble part in the settlement of the questions which menaced the union. Fired by an honest zeal and patriotic devotion to the nation, they forgot or disregarded all mere party differences and party divisions, and united

By an act of the last general assembly it was made the duty of the governor to appoint such commissioners, with a view to the attainment at the earliest day of the objects contemplated by the framers of the constitution. The governor performed that duty, by the appointment of gentlemen to each of the commissions, whose legal ability gives us the best assurance that their labors will be performed in a manner highly satisfactory to the country. Those commissioners will, I presume, be ready at an early day to report in part the result of their labors; and from my knowledge of them, and the high character they have won in the legal profession, I am sure I hazzard nothing in commending, in advance, their work to your approval.

If it shall be deemed necessary to a strict compliance with the letter of the constitution to exercise the right of appointment confided to you by that instrument, I venture respectfully to suggest that the same gentlemen be chosen. They have performed much of the work contemplated, and their re-appointment will not only be a saving of money, but it will greatly facilitate your effort to give to the people the legal reforms demanded.

I sincerely hope that the constitutional denunciation of the duel—a mode of adjusting personal differences at war with the laws of nature and of God—will have a salutary effect. There is a practice, however, growing daily in extent—the carrying of concealed weapons—which I regard as more pernicious and mischievous in its consequences, if possible, than the duel. This cowardly practice you now have the constitutional power to suppress.

To discriminate between an honest purpose to defend one's self against the lawless and unprovoked attacks of the assassin, and the wicked thirst for blood and for revenge for some real or imaginary personal wrong or indignity, I know is sometimes a difficult task. But, difficult as it is, the country will expect at your hands, and the country will have a right to expect, an earnest and well directed effort to overcome that difficulty, that the peaceful and unoffending citizen may be secure from the deadly attacks of those who have hitherto prowled about our towns, literally encased in belts of knives and pistols. Ample power is given to you, that by the infliction of adequate penalties you may rob the assassin of his instruments of death. I need not recount to you the many instances of crime and murder our state has been called to witness, which have been caused by this miserable practice. Our newspapers come to us almost every day with stories of outrages, affrays, and bloodshed, very nearly all of which may be traced to the practice of carrying concealed weapons. This is truly a lamentable state of things. Yet it is, I am pained to confess, too true; and I most respectfully but earnestly admonish you, as you value the peace and good order of society, as you prize the lives of your fellow-citizens, and the well being of your own children, to strike this evil with a heavy hand.

The apportionment of representation and defining the boundaries of judicial districts, are subjects to which you will doubtless give due consideration; and influenced, as I am sure you will be, by an honest desire to deal justly with all sections of the state, I hope your action will meet the approbation of the people. To provide for the settlement of private differences by arbitration; to make suitable provision for the exoneration of the securities of public officers; to direct the manner of holding the appellate and circuit courts, in the event of the absence of the judge, or his having an interest in the cause under trial, are all matters of great public concern, and will demand your attention.

To fix the day for the election of the minor executive and ministerial officers; to prescribe the mode for determining contested elections; to direct the manner of making the returns of elections and officers elected, of the state, district, and county; to provide how vacancies shall be filled; to direct the mode of proceeding in impeachments in courts of justice; to divide the counties into election districts, or to declare by whom and in what manner that duty shall be performed; to pass

general laws affording remedies in the great variety of cases heretofore remedied by special acts of the legislature; to provide for changes of venue and writs of error in criminal cases, are matters to which it is made my duty to call your attention, and which will constitute no small or unimportant part of the labor you will be required to perform.

The question of internal improvement, I regard as settled for the present, so far as the participation of the state in any new scheme is concerned. The constitutional provision on the subject makes it altogether unnecessary to enter into an argument upon the policy of expenditures by the legislature in new schemes of public improvement; but I cannot, consistently with what I conceive to be my duty, fail to recommend and urge you to employ all the means at your command and under your proper control towards the completion of the great lines of improvement that are now in an unfinished condition, and in which the state has an interest. It is certainly an unwise policy to permit these improvements, upon which very large sums have been expended, to remain unfinished and go to decay and ruin for the want of the inconsiderable sums necessary to complete them; and I feel satisfied that many of the lines yet unfinished, and which now pay no return into the treasury, would, if finished, very soon yield a handsome dividend, not only on the sum necessary to complete them, but on the whole amount of the state's interest in them. If the general assembly has not the power to appropriate money in aid of these unfinished lines, that body, in my judgment, should not hesitate to offer the most liberal inducements to individuals and companies to take hold of and finish them. I beg to refer you to the report of the able and enlightened president of the board of internal improvement for a statement of the condition of the public works.

That a body clothed with legislative power may act understandingly upon any subject whatever, connected with the advancement of the country and general prosperity of the people, it is of the first importance that that body shall be well informed in regard to the pursuits of the people, and the sources of the country's wealth. Allow me, therefore, to suggest the propriety of the passage of a law by which the amount, kind, and value, of the agricultural products, of the manufactured articles, and of the commerce of the state may be ascertained. Every citizen in the commonwealth is interested in knowing the facts here proposed to be collected. Such information imparted to the people would, probably, result in opening new fields for the enterprising, and operate as a stimulant to industry. It would, besides, enable the legislature to offer inducements to the people to embark in branches of commerce, manufactures, and agriculture, which are not now numbered among their pursuits.

In connection with this subject, I submit for your consideration the propriety of ordering a minute geological reconnoissance of the state, especially of those regions which are supposed to abound in minerals. The importance and usefulness of such a measure cannot be estimated by conjecture. The discoveries that may follow a careful and extended survey by competent geologists, may lead to results of much greater importance than would be supposed upon a superficial view of the subject. It is a well established principle in domestic economy that nothing should be purchased abroad that can be produced or manufactured at home. This principle applies even more forcibly to the management of the affairs of a nation. Immense sums, we know, are annually withdrawn from circulation in Kentucky to be expended in other states in the purchase of coal, iron, salt, and of many manufactured articles necessary to the household, the field, and the workshop. It is confidently believed that we have hidden beneath the surface of the earth, within the limits of our state, the means adequate not only to the production of all those articles needed for our own use, but that we may become large exporters. Develop the mineral wealth of the state, and you will open to the people new branches of industry; you will diversify labor; you will invite large investments of

as one man in the support and vindication of the constitution. As, in times past, when danger threatened the union, when disunionists, and factionists, and fanatics, united in an attempt to sever the bands that bind this glorious confederacy together, our own great statesman was found foremost in the ranks of the defenders of the constitution. In the council and in the cabinet—wherever there was found a representative of Kentucky—*there* was also found a true, loyal, steadfast, and unyielding friend of the constitution and the union. The promise given by my immediate predecessor, in his annual communication to the last general assembly, that "Kentucky will stand by and abide by the union to the last," has been thus far nobly kept. It will never be broken.

Kentucky owes a debt of gratitude—a debt she will ever be ready to pay—to those distinguished statesmen of the north and the south, of both the great political parties, who, disregarding all sectional and party divisions, boldly and patriotically stepped forth in the defence of the constitution, and rescued it from the hands of its enemies and despoilers. They have preserved the union—and they have won for themselves a place in the hearts of their countrymen.

May we not hope that their labors will be crowned with complete success, and that the spirit of disorder and misrule, now broken, will be banished forever. The judgment of the sound and reflecting portion of the people, of all sections, condemns, I am sure, the dangerous radical doctrines of both extremes of the union. The people are not agitators; the people are not factionists. Will they not fix the seal of their disapprobation upon those, who, for selfish purposes, would fan the flame of discord in the nation, and renew again the fearful fire that threatened to consume us? Kentucky, I am sure, will stand by the constitution and the laws. May she not ask—nay, has she not a right to demand of her sisters in the confederacy—partners in the great national compact—that they too will be true to the constitution and its compromises? It is gratifying to observe with what unanimity the people of the south are declaring in support of the great measures of peace passed by the last congress. Every breeze brings us the glad tidings that the friends of the compromise representing that quarter in congress are hailed with pride by their constituents. It was feared that the angry feeling there engendered would not soon subside. But we have reason to hope it is gone—the conviction that the constitution has been vindicated and that the union is safe, has filled the hearts of the people with joy. We turn with unfeigned sorrow and regret to the accounts that reach us from some of our sister states in the northern portion of the confederacy. There we hear loud murmurings at the passage of one of the compromise measures—the fugitive slave bill. There the friends of that measure are openly denounced and contemned; even more, armed resistance to its execution is gravely threatened. I cannot believe that any respectable portion of the people of the north participate in this feeling. It cannot be that they are willing again to stir up the spirit of discord. Who is there to guarantee that our noble old ship will be able again to weather so dire and dreadful a storm as that from which she has just escaped? No man who loves his country or values properly her institutions, will aid in bringing about again the fearful crisis we have just passed. An armed or forcible resistance to the execution of the fugitive slave law is treason, and those who counsel, aid, or assist in that unholy work, are traitors to the constitution, and enemies to the best interests of the nation.

It should ever be borne in mind that the general government is one of limited powers, and was never designed to interfere with the domestic institutions of any of the local sovereignties, directly or indirectly. The power to declare what should or what should not be property was never intended to be delegated to it; but its protecting shield was extended over whatever had been recognized as such by any of the states. I cannot but be deeply and profoundly impressed with the importance of maintaining with inviolable sanctity the great doctrine that a government which is the federal representative of all the states, should, in its

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legislation, abstain from hostile action against the property of any state or section. It has no right to throw its moral influence against the tenure of property, recognized as such by any of the states. It prostitutes its powers and the purposes of its organization, by assuming an attitude of hostility to the existence of any particular property in any state or section. It wisely conformed itself in its original organization to the domestic institutions then existing. The government was made with a reference to the institution of domestic slavery. Any, the slightest interference with it was cautiously avoided. The surest and most certain mode of perpetuating that government peaceably and in harmony, must be by administering it in the spirit in which it was made. As the common government of each and all the states, it is bound not to discriminate between the domestic institutions of one state or section and another. Strict non-intervention by the general government, with the protection guarantied by the constitution, is the only true and safe doctrine. It is the doctrine upon which the great compromise questions were settled. Those questions could not have been settled upon any other principle. It is the only doctrine compatible with the great fundamental principle of our political system, that a people have a right to establish whatever government they think proper for themselves.

JOHN L. HELM.

NOVEMBER 5, 1850.

A TABLE showing to what extent the yearly application of $50,000, together with the surplus created in the sinking fund, in consequence of a yearly reduction of the principal, will reduce the public debt in fifteen years. I propose beginning the calculation with the year 1850, as there will be at least $100,000 surplus within the years 1850 and 1851 to apply to the payment of the debt.

The public debt is,	$4,247,637 81	
1850—January 1, apply payment of	50,000 00	
	$4,197,637 81	
Such payment will increase the surplus in sinking fund the sum of $3,000, so that the two years will reduce the public debt,	$103,000 00	paid by January 1, 1851.
2d years increase of surplus,	6,180 00	
Payment,	50,000 00	
	159,180 00	paid by January 1, 1852.
3d years surplus,	9,550 80	
Payment,	50,000 00	
	218,730 80	paid by January 1, 1853.
4th years surplus,	13,123 80	
Payment,	50,000 00	
	281,854,60	paid by January 1, 1854.
5th years surplus,	16,911,27	
Payment,	50,000 00	
	348,765 87	paid by January 1, 1855
6th years surplus,	20,925 95	
Payment,	50,000 00	
	419,691,82	paid by January 1, 1856.
7th years surplus,	25,181 50	
Payment,	50,000 00	
	494,873 32	paid by January 1, 1857.

Amount brought forward, - -	$494,873 32	paid by January 1, 1855.
8th years surplus, - - - - - -	29,692 39	
Payment, - - - - - - -	50,000 00	
	574,565 71	paid by January 1, 1858.
9th years surplus, - - - - - -	34,473 94	
Payment, - - - - - - -	50,000 00	
	659,039 65	paid by January 1, 1859.
10th years surplus, - - - - - -	39,542 37	
Payment, - - - - - - -	50,000 00	
	748,582 02	paid by January 1, 1860.
11th years surplus, - - - - - -	44,914 92	
Payment, - - - - - - -	50,000 00	
	843,496 94	paid by January 1, 1861.
12th years surplus, - - - - - -	50,609 81	
Payment, - - - - - - -	50,000 00	
	944,106 75	paid by January 1, 1862.
13th years surplus, - - - - - -	56,646 40	
Payment, - - - - - - -	50,000 00	
	1,050,753 15	paid by January 1, 1863.
14th years surplus, - - - - - -	63,045 18	
Payment, - - - - - - -	50,000 00	
	1,163,798 33	paid by January 1, 1864.
15th years surplus, - - - - - -	69,827 89	
Payment, - - - - - - -	50,000 00	
	$1,283,626 22	paid by January 1, 1865.

The public debt will be reduced $1,283,626 22 in the year 1865, as appears by the above calculation.

Ordered, That the Public Printer print 4,000 copies of said message for the use of the Senate.

Leave was given to bring in the following bills, viz:

On motion of Mr. Irwin—1. A bill to amend the charter of the Springfield, Perryville and Danville Turnpike Road Company.

On motion of Mr. Leathers—2. A bill to amend the charter of the Savings Bank of Covington.

On motion of Mr. Rouse—3. A bill to incorporate the Mitchelsville and Dry Creek Turnpike Road, in Boone county.

On motion of Mr. Pope—4. A bill for the benefit of Henry J. Meade.

Messrs. Irwin, Barbour, and Wallace, were appointed a committee to prepare and bring in the first; Messrs. Leathers, Pope, and Rouse, the second; Messrs. Rouse, Graves, and Eaker, the third; and Messrs. Pope, Barbour, Bullock, and Linthicum, the fourth.

Mr. Irwin, from a select committee, reported a bill to amend the charter of the Springfield, Perryville and Danville Turnpike Road Company, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was referred to the committee on Internal Improvement.

And then the Senate adjourned.

FRIDAY, NOVEMBER 8, 1850.

The Speaker laid before the Senate a communication from the Superintendent of Public Instruction, which was read as follows, viz:

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
Lexington, November 4, 1850.

To the Senate and House of Representatives
of the Commonwealth of Kentucky:

The period at which the present General Assembly convenes being nearly two months in advance of that contemplated in all the laws relating to the common school system of the State, the particular provision which requires the Superintendent of Public Instruction to report within the first ten days of the session, can only be complied with as matter of form.

It is not until the end of December, that the tabular statements which accompany my annual report are, by law, allowed to be finally closed. At the earliest possible moment after that, I will submit to the General Assembly a full report. In the mean time, I shall hold myself in readiness to communicate any information in my possession to either House, or any committee, or member of either, that may be required, touching the progress and condition of the cause of public education in the State; and, in the course of a few days, will cause to be delivered to every member of the Legislature a printed copy of my last annual report.

I may venture, at present, in anticipation of the details to be hereafter submitted, to state that immense progress has been made during the year now drawing to a close, and that it is my firm conviction, that the highest anticipations of the government and the people are realized in what has been accomplished thus far in this great and benificent undertaking.

R. J. BRECKINRIDGE,
Superintendent of Public Instruction.

A message was received from the House of Representatives announcing that they had adopted resolutions of the following titles, viz:

Resolution to appoint a committe to visit the Lunatic Assylum.

Resolution to appoint a committee to visit the Institution of the Blind.

Said resolutions were taken up, (the second amended,) twice read and concurred in, and the title of the second was amended by adding "and Marine Hospital."

The vote referring a bill to amend the charter of the Springfield, Perryville and Danville Turnpike Road Company to the committee on Internal Improvement, was re-considered, and said bill was referred to Messrs. Irwin, Barbour, and Wallace.

Mr. Irwin, from a select committee, to whom was referred a bill to amend the charter of the Springfield, Perryville and Danville Turnpike Road Company,

Reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Leathers, from a select committee, reported a bill to amend the charter of the Savings Bank of Covington, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Bruce—1. A bill to fix the ratio and apportion the representation.

On motion of same—2. A bill for the benefit of Common Schools taught in 1850.

On motion of Mr. Leathers—3. A bill for the benefit of Col. Edward Brooks, of Michigan.

On motion of Mr. Graves—4. A bill to provide the mode of districting the several counties in this Commonwealth.

On motion of Mr. Buster—5. A bill to provide for running and marking the boundary line between the counties of Adair and Russell.

On motion of Mr. O. P. Hogan—6. A bill to lay off the State into twelve judicial districts.

On motion of Mr. Irwin—7. A bill to amend the charter of the Southern Bank of Kentucky.

Messrs. Bruce, Gilbert, Irwin, B. Smith, and Young, were appointed a committee to prepare and bring in the second; the committee on Finance was directed to prepare and bring in the third; Messrs. Graves, Pope, Morgan, Munger, Rouse, Delany, Hays, Ritter, Buster, Wallace, Ir-

win, and Gilbert, the fourth; Messrs. Buster, B. Smith, and Bruce, the fifth; and Messrs. Irwin, Sterret, and Eaker, the seventh.

Mr. Johnston presented the petition of John Brian and William J. Trout, praying the change of a State road in Marshall county, which was received and referred to Messrs. Johnston, Patterson, and Eaker.

Mr. Bullock, from the select committee on Rules, reported the same with sundry amendments, which were concurred in.

Said rules, as amended, were then adopted.

Ordered, That the Public Printer print 150 copies of the amended rules, together with the constitution, for the use of the General Assembly.

The resolution read and laid on the table by Mr. Linthicum, on Wednesday last, fixing a day for the election of Commissioners to revise the Statutes and to prepare a Code of Practice, was taken up, amended, twice read, and adopted.

And then the Senate adjourned.

SATURDAY, NOVEMBER 9, 1850.

The Speaker laid before the Senate a partial report from the Second Auditor, which is as follows, viz:

REVENUE DEPARTMENT,
Frankfort, Nov. 9, 1850.

Sir: I inclose a partial report from this department.

I am, very respectfully,
THOS. S. PAGE, *2d Auditor.*

Hon. BEN. E. GREY, *Speaker of the Senate.*

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

The Speaker laid before the Senate the annual report of the Keeper of the Penitentiary, which is as follows, viz:

OFFICE KENTUCKY PENITENTIARY,
Frankfort, Nov. 8, 1850.

Sir: In obedience to the 8th section of an act of the General Assembly, prescribing the duties of Keeper of the Penitentiary, approved February

18th, 1848, I herewith submit my annual report of the general condition, business operations, &c., of this institution, since my last annual report.

Very respectfully, your obedient servant,

N. CRAIG,

Agent and Keeper Kentucky Penitentiary.

Hon. Ben. E. Grey, *Speaker of the Senate.*

[*For report—See Legislative Documents.*]

Ordered, That said report be referred to the committee on the Penitentiary, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Leave of absence for a few days was granted to Mr. O. P. Hogan.

Leave was given to bring in the following bills, viz:

On motion of Mr. Graves—1. A bill for the benefit of the Methodist Episcopal Church, in Woodford county.

On motion of Mr. Wallace—2. A bill to suppress the practice of carrying concealed weapons.

On motion of same—3. A bill to provide in what manner and in what courts suits may be brought against the Commonwealth.

On motion of Mr. Leathers—4. A bill to amend the law in relation to ferries on the Ohio river within this Commonwealth.

On motion of Mr. Barbour—5. A bill to amend the acts now in force in relation to turnpike roads in Washington and Marion counties.

On motion of Mr. Chiles—6. A bill for the benefit of Clement Conner, late Sheriff of Montgomery county.

On motion of same—7. A bill for the benefit of the heirs of Benjamin F. Thomas, deceased.

On motion of Mr. Eaker—8. A bill to amend the revenue laws of this Commonwealth.

On motion of Mr. Munger—9. A bill to divide the counties of this State into convenient election precincts.

Messrs. Graves, E. Hogan, and Shepard, were appointed a committee to prepare and bring in the first; Messrs. Barbour, Pope, and Bruce, the fifth; Messrs. Chiles, Saunders, and Morgan, the sixth; Messrs. Graves, Pope, Morgan, Munger, Rouse, Delany, Hays, Ritter, Buster, Wallace, Irwin, and Gilbert, the ninth; the committee on the Judiciary was directed to prepare and bring in the second, third, and fourth; and the committee on Finance the seventh and eighth.

The following bills were reported from select committees, viz:

By Mr. Johnston—1. A bill to change the State road from Paducah to Grey's ferry.

By Mr. Rouse—2. A bill to incorporate the Mitchellsville and Dry Creek Plank Road Company.

By Mr. Pope—3. A bill for the benefit of Henry J. Mead.

By Mr. Graves—4. A bill for the benefit of the Methodist Episcopal Church, in Woodford county.

By Mr. Buster—5. A bill to provide for running and marking the dividing line between the counties of Adair and Russell.

By Mr. Chiles—6. A bill for the benefit of Clement Conner, late Sheriff of Montgomery.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the second was referred to the committee on Internal Improvement, the third and sixth to the committee on Finance, and the first, fourth, and fifth were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the first, fourth, and fifth bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin moved the following resolution, viz:

Resolved, That a committee of six be appointed to provide for districting the State into four Appellate Districts, according to the fourth article and fourth section of the constitution.

And the question being taken on the adoption of said resolution, it was decided in the negative.

Mr. Wallace read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of three on the part of the Senate, and five on the part of the House of Representatives, be appointed to visit the Deaf and Dumb Asylum, at Danville.

The rule of the Senate being dispensed with, said resolution was taken up, twice read and adopted.

Mr. Leathers moved the following resolution, viz:

Resolved, That a select committee be appointed to carry into effect the 10th article of the constitution concerning emancipated slaves, and that said committee report to the Senate by bill or otherwise.

Which was adopted.

Whereupon, Messrs. Leathers, Patterson, and Ritter, were appointed the committee, in pursuance of said resolution.

Mr. E. Hogan read and laid on the table the following resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That we warmly approve of the passage of the several measures, known as the "compromise measures," proposed by the committee of thirteen, more particularly the fugitive slave bill, believing it to be imperatively demanded at the present crisis.

Resolved, That we but express the almost unanimous voice of Kentucky when we declare our high appreciation and approval of the abili-

ty and patriotism of not only our own delegation in the last Congress, but of every member of the north or the south who so nobly and fearlessly stepped forward in this great and glorious struggle.

Resolved, That Kentucky, knowing no north and no south when the safety of the Union is involved, will, with unflinching firmness and at all hazards, adhere to those measures and to the constitution.

The Speaker laid before the Senate the annual report of the Auditor of Public Accounts, which is as follows, viz:

AUDITOR'S OFFICE,
Frankfort, Nov. 9, 1850.

Sir: Pursuant to the several acts of Assembly concerning this office, I have the honor to transmit herewith my report for the fiscal year ending the 10th October last.

I have the honor to be, very respectfully, your ob't sev't,

GEO. W. BARBOUR,
Late Auditor.
By JAMES M. GRAY.
Acting Auditor.

Hon. BEN. E. GREY, *Speaker of the Senate.*

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

And then the Senate adjourned.

MONDAY, NOVEMBER 11, 1850.

A message was received from the House of Representatives announcing that they had passed bills from the Senate of the following titles, viz:

An act to amend the charter of the Springfield, Perryville and Danville Turnpike Road Company.

An act to amend the charter of the Savings Bank of Covington.

And had concurred in a resolution from the Senate fixing a day for the election of Commissioners to revise the Statutes and to prepare a Code of Practice.

That they had passed bills of the following titles, viz:

An act to repeal the fifth section of an act to amend the charter of the Jefferson and Brownsboro' Turnpike Road Company.

An act to incorporate Pulaski Lodge, No. 111, Curd Lodge, No. 175, and Somerset Chapter, No. 25.

An act for the benefit of the soldiers of the late war with England, &c.

An act to change the May term of the County Court of Shelby county.

An act for the benefit of William D. Mitchell.

The Speaker announced the following standing committees, viz:

On the Judiciary—Messrs. Pope, Ritter, Hays, Bullock, and Munger.

On the Court of Appeals—Messrs. Magoffin, Riley, B. Smith, Pope, and Kouns.

On Circuit Courts—Messrs. Linthicum, Russell, Leathers, Chiles, and Eaker.

On County Courts—Messrs. Bullock, Patterson, Irwin, O. P. Hogan, and Wallace.

On Propositions and Grievances—Messrs. Morgan, Sterret, Shepard, Ballard, and Rouse.

On Privileges and Elections—Messrs. Young, Gilbert, Rouse, Graves, and E. Hogan.

On Religion—Messrs T. J. Smith, E. Hogan, Buster, Routt, and Young.

On Internal Improvement—Messrs. Bruce, Hays, Leathers, Irwin, and T. J. Smith.

On Finance—Messrs. Chiles, Eaker, Sterret, Anderson, and Riley.

On Education—Messrs. Wallace, Shepard, E. Hogan, Barbour, and Magoffin.

On the Penitentiary—Messrs. Eaker, Anderson, Gilbert, Kouns, and B. Smith.

On Military Affairs—Messrs. Marshall, Hays, Bruce, O. P. Hogan, and Russell.

On Public Buildings—Messrs. Johnston, Delany, Riley, Gilbert, and Routt.

On Agriculture and Manufactures—Messrs. Irwin, Graves, Routt, Buster, and Marshall.

On Federal Relations—Messrs. Ritter, Saunders, Linthicum, Ballard, and Morgan.

On the Sinking Fund—Messrs. Munger, Shepard, and Marshall.

On Executive Affairs—Messrs. Patterson, Russell, and Saunders.

JOINT COMMITTEES.

On Banks—Messrs. Delany, Saunders, Bruce, and T. J. Smith.

On the Library—Messrss. Buster, Rouse, and Sterret.

On Public Offices—Messrs. O. P. Hogan, Barbour, and Delany.

On Enrollments—Messrs. Barbour, Graves, and Johnston.

The Speaker announced the following committee to prepare and bring in a bill to fix the ratio and apportion the representation, viz:

Messrs. Bruce, Johnston, Russell, Irwin, Marshall, Magoffin, Pope, Shepard, Morgan, and Routt.

The Speaker announced the following committee to prepare and bring in a bill to lay off the State into twelve Judicial Districts, viz:

Messrs. O. P. Hogan, Patterson, Sterret, T. J. Smith, Buster, Hays, Anderson, Ballard, Graves, and Kouns.

Ordered, That Messrs. Eaker, Rouse, and Bullock, be added to said committee.

1. Mr. Sterret presented the petition of sundry citizens of the town of Hardinsburg, in Breckinridge county, praying the passage of a law establishing a Police Court in said town.

2. Mr. Leathers presented the petition of Robert Russell, a free man of color, praying the passage of a law allowing him to remain in this State.

Which petitions were received, the reading thereof dispensed with, and referred to the committee on the Judiciary.

Mr. Ritter moved the following resolution, viz:

Resolved, That the committee on Finance be instructed to inquire into the propriety of repealing the law authorizing a specific tax on gold spectacles, watches, &c., and that they report by bill or otherwise.

Which was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Ritter—1. A bill the better to define and punish penal offenses.

On motion of same—2. A bill to authorize the Circuit Courts of this Commonwealth to direct the sale of the real estate of lunatics.

On motion of same—3. A bill to authorize and regulate the granting of divorces in this Commonwealth.

On motion of Mr. Leathers—4. A bill to amend the law in relation to the office of commissioner of tax in this Commonwealth.

On motion of Mr. Bullock—5. A bill for the benefit of Ridgely Greathouse, Clerk of the Woodford Circuit Court.

On motion of Mr. Riley—6. A bill to improve the navigable condition of Blackford creek.

On motion of Mr. Magoffin—7. A bill to change the name of the Harrodsburg Female Academy and to extend its privileges.

On motion of Mr. Linthicum—8. A bill to authorize the Circuit Courts of this Commonwealth to decree the sale of slaves belonging to infants.

The committee on the Judiciary was directed to prepare and bring in the first, second, third, and eighth; the commttee on Finance the fourth;

the committee on Internal Improvement the sixth; the committee on Education the seventh; and Messrs. Bullock, Pope and Graves were appointed a committee to prepare and bring in the fifth.

The Speaker laid before the Senate the report of the Commissioners appointed to revise, digest, and systemize the civil and criminal statute laws of this Commonwealth.

Ordered, That said report be referred to the committee on the Judiciary, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

And then the Senate adjourned.

TUESDAY, NOVEMBER 12, 1850.

A message was received from the House of Representatives announcing that they had adopted a resolution to instruct the committee on the Library to inquire whether or not there be a State Librarian, &c., which resolution was concurred in.

That they had passed bills of the following titles, viz:

1. An act to amend an act, entitled, an act to mark definitely the dividing lines between certain counties, approved February 27, 1849.
2. An act to incorporate the Christian Church in the town of Paducah.
3. An act to incorporate Crittenden Lodge, No. 150.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the first was referred to the committee on Propositions and Grievances; the third to the committee on the Judiciary, and the second was ordered to be read a third time.

The constitutional rule as to the third reading of the second bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hays presented the petition of sundry citizens of the counties of Hardin, Meade, Bullitt, and Jefferson, praying for the formation of a new county out of parts of said counties, which was received, the read-

ing thereof dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Ritter moved the following resolution, viz:

Resolved, That an additional member be added to the select committee of thirteen, to lay off the State into twelve judicial districts, from each congressional district that is now represented in said committee by only one member, so that each congressional district shall be represented in said committee by two Senators.

Which was adopted.

Mr. Barbour moved the following resolution, viz:

Resolved, That a committee of ten, to consist of one member from each congressional district, be appointed by the chair, whose duty it shall be to take into consideration the salaries of the public officers of this Commonwealth, and report by bill or otherwise.

Leave was given to bring in the following bills, viz:

On motion of Mr. Shepard—1. A bill to abolish the office of Associate Judges of the County Court.

On motion of Mr. Leathers—2. A bill to incorporate the Deposit Bank of Covington.

On motion of Mr. Sterret—3. A bill to change the law in relation to runaway slaves.

On motion of Mr. Irwin—4. A bill to amend an act to equalize the compensation for the collection of the revenue tax, approved January 25, 1848.

The committee on County Courts was directed to prepare and bring in the first; the committee on Banks the second; the committee on the Judiciary the third; and the committee on Finance the fourth.

The resolutions concerning the compromise measures on the slavery question, read and laid on the table by Mr. E. Hogan on Saturday last, were taken up.

Ordered, That said resolutions be referred to the committee on Federal Relations, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Bills from the House of Representatives of the followings titles, were severally read the first time, viz:

1. An act to repeal the fifth section of an act to amend the charter of the Jefferson and Brownsboro' Turnpike Road Company.

2. An act to incorporate Pulaski Lodge, No. 111; Curd Lodge, No. 175, and Somerset Chapter, No. 25.

3. An act for the benefit of the soldiers of the late war with England, &c.

4. An act to change the May term of the County Court of Shelby county.

5. An act for the benefit of William D. Mitchell.

Ordered, That said bills be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the first was referred to the committee on Internal Improvement; the second to the committee on the Judiciary; the third to the committee on County Courts; and the fourth and fifth were ordered to be read a third time.

The constitutional rule as to the third reading of the fourth and fifth bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 13, 1850.

A message was received from the House of Representatives announcing that they had concurred in the amendment proposed by the Senate to a resolution from that House to appoint a committee to visit the Institution of the Blind.

That they had passed bills, and concurred in a resolution from the Senate, of the following titles, viz:

An act to change the State road from Paducah to Grey's ferry.

An act for the benefit of the Methodist Episcopal Church, in Woodford county.

An act to provide for running and marking the dividing line between the counties of Adair and Russell.

Resolution to appoint a committee to visit the Deaf and Dumb Asylum, at Danville.

That they had passed bills of the following titles, viz:

1. An act for the benefit of Elijah H. Looman, of Fleming county.
2. An act to amend the charter of the Versailles and McCoun's Ferry Turnpike Road Company.
3. An act for the benefit of the mechanics of McCracken county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the first was referred to the committee on Finance,

the second to the committee on Internal Improvement, and the third was ordered to be read a third time.

The constitutional provision as to the third reading of the third bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Speaker, in accordance with the resolution moved by Mr. Ritter on yesterday, added the following Senators to the select committee appointed to prepare and bring in a bill to lay off the State into twelve judicial districts, viz: Messrs. Riley, Ritter, Wallace, Saunders, Gilbert, E. Hogan, and Morgan.

Mr. Hays presented an additional petition from sundry citizens of Hardin, Meade, Bullitt, and Jefferson counties, praying the formation of a new county out of parts thereof, which was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Bullock, from a select committee, reported a bill for the benefit of the Clerks of the Circuit and County Courts of this Commonwealth, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the committee on County Courts.

Leave was given to bring in the following bills, viz:

On motion of Mr. B. Smith—1. A bill to increase the jurisdiction of Justices of the Peace.

On motion of Mr. Munger—2. A bill to divide the State into four districts, for the purpose of electing Judges of the Court of Appeals, and to fix the places of holding the sessions of said Court.

On motion of Mr. Morgan—3. A bill to incorporate a company to construct a turnpike road from Flemingsburg to Upper Fox Springs.

On motion of Mr. Pope—4. A bill to provide for the further exchange of books and documents between this State, the United States, and the several States and Territories.

On motion of same—5. A bill to incorporate a company to construct a bridge across the Ohio river at Louisville.

On motion of Mr. Hays—6. A bill for the benefit of the mechanics of Hardin county.

The committee on County Courts was directed to prepare and bring in the first; the committee on the Court of Appeals the second; the committee on Internal Improvement the third; the committee on the Library the fourth; and the committee on the Judiciary the fifth and sixth.

And then the Senate adjourned.

THURSDAY, NOVEMBER 14, 1850.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

An act for the benefit of the Common School Commisioners, of Monroe county.

An act to amend the charter of the Versailles and Nicholasville Turnpike Road Company.

An act to incorporate the Cumberland Lodge, No. 149.

The Speaker, in pursuance of the resolution moved by Mr. Barbour on Tuesday last, annouced the following committee to prepare and bring in a bill to regulate the salaries of the public officers of this Commonwealth, viz: Messrs. Barbour, Patterson, Riley, Irwin, Marshall, Anderson, Ballard, Shepard, Young, and Leathers.

1. Mr. Rouse presented the petition of sundry citizens of Florence, in Boone county, and its vicinity, praying the repeal of an act incorporating the Florence Academy.

2. Mr. Rouse also presented the title bond for the ground upon which said Academy stands, together with a list of contributors for its building.

3. Mr. Bullock presented a memorial from the Board of Directors of the Kentucky Colonization Society asking an annual appropriation from the State treasury for the purpose of removing free negroes from Kentucky to Liberia.

Which petitions and memorial were received, the reading thereof dispensed with, and referred, the first and second to the committee on Propositions and Grievances, and the third to the committee on Finance.

Ordered, That the Public Printer print 150 copies of said memorial for the use of the General Assembly.

Mr. Barbour, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Springfield, Perryvile, and Danville Turnpike Road Company.

An act to amend the charter of the Savings Bank of Covington.

An act to change the State road from Paducah to Grey's ferry.

An act for the benefit of the Methodist Episcopal Church, in Woodford county.

An act to provide for running and marking the dividing line between the counties of Adair and Russell.

Resolution to appoint a committee to visit the Deaf and Dumb Asylum, at Danville.

Resolution fixing a day for the election of Commissioners to revise the Statutes and to prepare a Code of Practice.

And had found the same truly enrolled.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Barbour reported that the committee had performed that duty.

Mr. Linthicum, from the committee on Circuit Courts, reported a bill to divide the State into twelve Circuit Court Judicial Districts, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the committee of the whole on the state of the Commonwealth, and made the special order of the day for Monday, the second day of December next.

Ordered, That the Public Printer print 150 copies of said bill and accompanying tables for the use of the General Assembly.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to mark definitely the dividing lines between certain counties, approved February 27, 1849, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bruce from the committee on Internal Improvement, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to amend the charter of the Versailles and McCoun's Ferry Turnpike Road Company.

An act to repeal the fifth section of an act to amend the charter of the Jefferson and Brownsboro' Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bruce, from the same committee, to whom was referred a bill to incorporate the Mitchellsville and Dry Creek Plank Road Company, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time

The constitutional provision as to the third reading being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Leathers moved the following preamble and resolution, viz:

Whereas, there were received in Covington, Kentucky, in September 1848, from the authorities of the town of Munroe and State of Michigan, the remains of some twelve or fifteen of the gallant Kentucky volunteers who fell in battle in January, 1812, at the river Raisin, Territory of Michigan, entrusted to the care of Col. Edward Brooks, who transported and delivered the remains to the authorities of the Mayor and Common Council of the city of Covington, which were deposited by the said authorities of Covington in the vault of the Baptist Cemetery in said city for further disposition. Therefore,

Resolved, That a committee of five be appointed to take into consideration the propriety of removing those remains, and giving them a place in the Cemetery of the State, at Frankfort, and report by bill or otherwise.

Which were adopted.

Whereupon, Messrs. Leathers, Patterson, Marshall, Pope, and Routt, were appointed the committee, in pursuance of said resolution.

Mr. Pope moved the following resolution, viz:

Resolved, That the Clerk of the Penitentiary be directed to furnish the Senate with the number of criminals sent to the Penitentiary of this State for the last five years, naming for each year the number sent from the Jefferson Circuit Court, and the number sent from the remainder of the State.

Which was adopted.

Mr. Patterson read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be authorized to procure for the General Assembly one hundred and fifty copies of a lithographed skeleton map of the State of Kentucky, presenting the outlines of the counties and rivers of the State, with the number of qualified voters in each county: *Provided*, They can be furnished for a sum not exceeding fifty dollars.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up, twice read, and adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Munger—1. A bill to charter the Maysville and Big Sandy Railroad Company.

On motion of Mr. Johnston—2. A bill to change the mode of listing taxable property in this Commonwealth.

On motion of Mr. Barbour—3. A bill for the benefit of the mechanics of Washington and Marion counties.

On motion of same—4. A bill to establish an additional election precinct in Marion county.

On motion of Mr. Bullock—5. A bill to regulate the rate of conventional interest.

Messrs. Munger, Pope, and Morgan, were appointed a committee to prepare and bring in the first; the committee on Finance was directed to prepare and bring in the second; the committee on the Judiciary the third and fifth; and the committee on Privileges and Elections the fourth.

A message was received from the House of Representatives announcing that they had adopted the following preamble and resolutions, viz:

Whereas, it is known that the Hon. Henry Clay is now in this city on a visit. Therefore,

1. *Resolved*, That a committee of seven be appointed to invite him to visit the General Assembly in the Representatives Hall to-morrow at 12 o'clock.

2. *Resolved*, That the Speaker of this House be appointed its organ to express to him the high appreciation they have of his efforts as their representative in the halls of the national councils, and the deep sense of obligation they feel to him and the entire delegation from Kentucky, and the distinguished patriots Cass, Webster, Foote, and others, for their able and efficient efforts in the passage of measures, which, under divine blessing, we hope may entirely stop the tide of dissatisfaction, allay the agitation in the country, and bind more closely together our happy confederacy.

3. *Resolved*, That the Clerk communicate these resolutions to the Senate, and request that they will unite with this House.

On motion of Mr. Pope,

Resolved, That the Senate accept said invitation, and that Messrs. Pope, Eaker, and Irwin, inform the House of Representatives thereof.

And then the Senate adjourned.

FRIDAY, NOVEMBER 15, 1850.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

An act for the benefit of David Click, of Floyd county.

An act to authorize the Bourbon County Court to subscribe for stock in the Newtown and Leesburg Turnpike Road Company.

An act to run and re-mark the dividing line between the counties of Campbell and Pendleton.

An act to run and re-mark the dividing line between the counties of Butler and Edmonson.

The Speaker laid before the Senate a report from the Treasurer of the Shelbyville and Louisville Turnpike Road Company, which is as follows, viz:

OFFICE SHELBYVILLE AND LOUISVILLE TURNPIKE ROAD COMPANY,
Louisville, November 10, 1850.

SIR: According to the charter incorporating this company, I now report to the Legislature the amount of money received and disbursed by this company, for the year ending 1st of October, 1850, which will appear by the enclosed account.

I am, respectfully, your obedient servant,
G. W. MERIWETHER, *Treasurer.*

To the Honorable, the Speaker of the Senate of Kentucky.

Annual Report of Receipts and Disbursements of the Shelbyville and Louisville Turnpike Road Company, commencing 1*st October*, 1849, *and ending* 1*st October*, 1850.

DISBURSEMENTS.

1849.		
October 1.	Amount paid from this date to the 30th March, 1850, for repairs on the road, and to gate keepers and other officers,	$ 7,788 37
	Cash paid dividend No. 6, 7, and 8,	9 00
	Cash paid dividend No. 9 and 10,	215 00
	Cash paid dividend No. 11 and 12,	1,933 78
1850.		
October 1.	Amount paid from 30th March last to this date, for repairs of the road, and for gate keepers and other officers' salaries,	3,685 01
	Cash paid on dividends No. 12 and 13,	1,028 11
October 1.	Balance cash to a new account,	2,414 33
		$17,073 60

RECEIPTS.

1849.		
October 1.	Cash in Bank from old account,	$ 3,250 30
Dec. 29.	Cash returned by Jno. Doup, received by mistake,	108 80
1850.		
March 30.	Cash received at 1st Gate from 1st October to date,	2,574 00
	Cash received at 2d Gate from 1st October to date,	1,435 00
	Cash received at 3d Gate from 1st October to date,	1,073 00
	Cash received at 4th Gate from 1st October to date,	1,045 00
	Assessed tolls paid on tickets in advance,	1,548 50
October 1.	Cash received at 1st Gate from 30th March to date,	2,056 00
	Cash received at 2d Gate from 30th March to date,	981 00
	Cash received at 3d Gate from 30th March to date,	679 50
	Cash received at 4th Gate from 30th March to date,	730 00
	Assessed from 30th March to date,	1,592 50
		$17,073 60
1850.		
October 1.	Balance per contra to new account,	$2,414 33

The capital stock of the Company is $105,300, on which a dividend of 1 per cent. was declared 1st April, 1850, and 2 per cent. on 1st October, 1850. G. W. MERIWETHER, *Treasurer.*

Ordered, That said report be referred to the committee on the Sinking Fund, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the response of the Clerk of the Penitentiary to a resolution moved by Mr. Pope on yesterday, which is as follows, viz:

OFFICE KENTUCKY PENITENTIARY,
Frankfort, Nov. 15, 1850.

Sir: The subjoined statement is furnished in response to the following resolution:

"IN SENATE, Nov. 14, 1850.

"*Resolved*, That the Clerk of the Penitentiary be directed to furnish the Senate with the number of criminals sent to the Penitentiary of this State for the last five years, naming for each year the number sent from the Jefferson Circuit Court, and the number sent from the remainder of the State."

	Sent from Jefferson Circuit Court	Sent from remainder of State.	Total.
For the year ending 1st December, 1846, -	24	47	71
For the year ending 1st December, 1847, -	27	38	65
For the year ending 1st December, 1848, -	27	42	69
For the year ending 1st December, 1849, -	21	31	52
From the 1st December, 1849, to the 15th day of November, 1850, - - - - - -	31	60	91
Total in five years, - - - - - - - -	130	218	348

Respectfully,
CHAS. S. WALLER, *Clerk*
Kentucky Penitentiary.

HON. BEN. E. GREY, *Speaker of the Senate.*

Ordered, That the Public Printer print 150 copies of said response for the use of the General Assembly.

Mr. B. Smith presented the petition of Jacob Molen and John W. Barker, citizens of Wayne county, praying to be added to the county of Pulaski, which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Wallace, from the committee on Education, reported a bill to amend an act, entitled, an act to amend the act to establish a Female Academy in the town of Harrodsburg, approved January 28, 1848, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Barbour, from a select committee, reported a bill to amend the various acts in relation to turnpike roads in the counties of Washington and Marion, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. E. Hogan, leave was given to bring in a bill to amend the charter of the Lexington and Frankfort Railroad Company, and Messrs. E. Hogan, Shepard, and Bullock, were appointed a committee to prepare and bring in the same.

Mr. Young moved the following resolution, viz:

Resolved, That the committee on County Courts be directed to enquire into the expediency of regulating the fees of Circuit and County Court Clerks, Justices of the Peace, Sheriffs, Coroners, Jailers, Surveyors, and Constables, and that they report by bill or otherwise.

Which was adopted.

Mr. Linthicum read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the election of three persons learned in the law, to codify the laws of this State, and for the election of three persons to simplify the rules of practice, fixed by joint resolution for this day, be postponed until Wednesday, the 20th instant.

The rule of the Senate requiring a joint resolution to lie one day on the table, being dispensed with, said resolution was taken up, twice read and adopted.

Mr. Bruce moved the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the liability of the Sinking Fund for the interest of the bonds of the State held by the Board of Education, be referred to the committee of the whole, and made the special order of the day for Tuesday next.

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Hays,

Resolved, That so much of the Governor's message as relates to the liability of the Sinking Fund for the interest of the bonds of the State held by the Board of Education, be referred to the committee on the Sinking Fund.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act for the benefit of the Common School Commisioners, of Monroe county.

2. An act to amend the charter of the Versailles and Nicholasville Turnpike Road Company.

3. An act to incorporate the Elizaville and Helena Turnpike Road Company.

4. An act to incorporate the Cumberland Lodge, No. 149.

5. An act for the benefit of David Click, of Floyd county.

6. An act to authorize the Bourbon County Court to subscribe for stock in the Newtown and Leesburg Turnpike Road Company.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading being dispensed with, the first was referred to the committee on Education; the 2d, 3d, and 5th, to the committee Internal Improvement; the 4th to the committee on the Judiciary; the 6th was ordered to be read a third time.

The constitutional provision as to the third reading of the 6th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

SATURDAY, NOVEMBER 16, 1850.

A message was received from the House of Representatives announcing that they had concurred in resolutions from the Senate of the following titles, viz:

Resolution authorizing the purchase of one hundred and fifty copies of a lithograped skeleton map of the State of Kentucky.

Resolution to postpone the day for the election of Commissioners to revise the Statutes and simplify the Rules of Practice.

That they had passed bills of the following titles, viz:

1. An act to define the lines of Clay and Perry counties.

2. An act to change the law concerning a road in Perry and Clay counties.

3. An act to repeal an act to prevent unlawful fishing in parts of Licking river.

4. An act to authorize the Clerk of the Ohio County Court to transcribe and index certain records in his office.

5. An act to repeal the fifth section of the act to amend the laws in relation to the city of Newport, approved March 6, 1850.

6. An act for the benefit of John Martin, of Floyd county.

7. An act for the benefit of Thornton Triplett.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Propositions and Grievances; the 2d, 3d, and 6th, to the committee on Internal Improvement; the 4th and 5th to the committee on the Judiciary; and the 6th was ordered to be read a third time.

The constitutional provision as to the third reading of the 6th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the committee on the Judiciary, to whom was referred the petition of Robert Russell, a free man of color, praying the passage of a law allowing him to remain in this State, reported the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which was concurred.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate Pulaski Lodge, No. 111; Curd Lodge, No. 175, and Somerset Chapter, No. 25, reported the same with amendments, which were concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read, "an act to incorporate Pulaski Lodge, No. 111.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate Crittenden Lodge, No. 150, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, reported a bill to incorporate a company to construct a bridge across the Ohio river, at Louisville, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order of the day for Friday, the 22d inst., and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of David Click, of Floyd county.

An act to amend the charter of the Versailles and Nicholasville Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Graves—1. A bill to regulate the weight of stone coal in this Commonwealth.

On motion of Mr. Ritter—2. A bill to authorize and require the trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order.

On motion of Mr. Leathers—3. A bill to amend an act, entitled, an act to reduce into one the several acts exempting property from execution, and for other purposes.

On motion of Mr. Bullock—4. A bill further prescribing the duties of County Court Clerks.

The committee on Agriculture and Manufactures was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d and 3d; and the committee on County Courts the 4th.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

An act to run and re-mark the dividing line between the counties of Campbell and Pendleton.

An act to run and re-mark the dividing line between the counties of Butler and Edmonson.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred to the committee on Propositions and Grievances.

And then the Senate adjourned.

MONDAY, NOVEMBER 18, 1850.

A message was received from the House of Representatives announcing that they had passed bills from the Senate of the following titles, viz:

An act to amend an act, entitled, an act to amend the act to establish a Female Academy in the town of Harrodsburg, approved January 28, 1848.

An act to amend the various acts in relation to turnpike roads in the counties of Washington and Marion.

That they had passed a bill, entitled, an act for the relief of Francis Hillary.

1. Mr. Bruce presented the petition of sundry citizens of Madison, Rockcastle, Laurel, Clay, Owsley, and Estill counties, praying the formation of a new county out of parts thereof, to be called "McKee county."

2. Mr. Patterson presented the petition of Thomas Jones, of Caldwell county, praying the passage of a law to change the name of William W. Rodgers to that of William W. Jones.

Which petitions were received, the reading thereof dispensed with, and referred—the 1st to the committee on Propositions and Grievances, and the 2d to the committee on the Judiciary.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Elijah H. Looman, of Fleming county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Chiles, from the committee on Finance—1. A bill to equalize the compensation for the collection of the revenue tax.

By same—2. A bill to amend the revenue laws.

By Mr. Delany, from the committee on Banks—3. A bill to incorporate the Deposit Bank of Covington.

By Mr. E. Hogan, from a select committee—4. A bill to amend the charter of the Lexington and Frankfort Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was made the special order of the day for Thursday, the 21st inst.; the 2d and 3d were placed in the orders of the day; and the 4th referred to the committee on Internal Improvement.

Ordered, That the Public Printer print 150 copies of the 1st, 2d, and 3d bills for the use of the General Assembly.

A message was received from the Governor, by Mr. Smith, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills and an enrolled resolution, which originated in the Senate of the following titles, viz:

An act to provide for running and marking the dividing line between the counties of Adair and Russell.

An act to amend the charter of the Savings Bank of Covington.

An act to amend the charter of the Springfield, Perryville and Danville Turnpike Road Company.

An act to change the State road from Paducah to Grey's ferry.

An act for the benefit of the Methodist Episcopal Church, in Woodford county.

Resolution to appoint a committee to visit the Deaf and Dumb Asylum, at Danville. Approved November 18, 1850.

Mr. Barbour, from the joint committee on Enrollments, reported that the committee had examined enrolled resolutions, which originated in the Senate, of the following titles, viz:

Resolution authorizing the purchase of one hundred and fifty copies of a lithograped skeleton map of the State of Kentucky.

Resolution to postpone the day for the election of Commissioners to revise the Statutes and simplify the Rules of Practice.

And enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

An act to authorize the Bourbon County Court to subscribe for stock in the Newtown and Leesburg Turnpike Road Company.

An act for the benefit of the mechanics of McCracken county.

An act to amend the charter of the Versailles and McCoun's Ferry Turnpike Road Company.

An act to incorporate the Christian Church in the town of Paducah.

An act to amend an act, entitled, an act to mark definitely the dividing lines between certain counties, approved February 27, 1849.

An act for the benefit of William D. Mitchell.

An act to change the May term of the County Court of Shelby county.

An act to repeal the fifth section of an act to amend the charter of the Jefferson and Brownsboro' Turnpike Road Company.

Resolution to appoint a committee to visit the Institution of the Blind and Marine Hospital.

Resolution to appoint a committee to visit the Lunatic Asylum.

Resolution to instruct the committee on the Library to inquire whether or not there be a State Librarian.

And found the same truly enrolled.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Barbour reported that the committee had performed that duty.

The Speaker laid before the Senate a communication from the President of the Board of Internal Improvement, which was read as follows, viz:

OFFICE OF BOARD OF INTERNAL IMPROVEMENT,
November 15, 1850.

Sir: The returns from the different turnpike roads in which the State holds an interest and from the Green and Barren river line of navigation, necessary for a full report from this office, will not be received until in the month of December. Hence the impracticability of making the annual report earlier than the first week in January, which in fact is the end of the regular term for reports from this office, and has been the usual time for the report.

In the meantime, any information from this office, when desired by committees or individual members, will be furnished with promptness and pleasure.

I have the honor to be, with much respect your ob't serv't,

J. SPEED SMITH,
President Board Internal Improvement.

Hon. BEN. E. GREY, *Speaker of the Senate.*

Mr. Linthicum moved the following resolution, viz:

Resolved, That a committee of five, to be composed of one from the committee on the Judiciary, one from the committee on the Court of Appeals, one from the committee on Circuit Courts, one from the committee on County Courts, and one from the committee on Privileges and Elections, be appointed, whose duty it shall be to prepare and report a bill regulating the manner of holding elections, making returns of the same, and all matters pertaining thereto.

Which was adopted.

Whereupon, Messrs. Linthicum, Hays, Kouns, Patterson, and Rouse, were appointed the committee, in pursuance of said resolution.

Mr. Linthicum moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of passing a law authorizing writs of error in criminal and penal cases, and to regulate the right of challenge of jurors therein, and report by bill or otherwise.

Which was adopted.

Mr. Linthicum moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to prepare and bring in a bill to authorize Courts of Justice to change the names of individuals, direct the sale of estates belonging to infants and other persons laboring under legal disabilities, and to grant divorces.

Which was adopted.

Mr. Delany moved the following resolution, viz:

Resolved, That the committee on County Courts be instructed to inquire into the expediency of conferring upon the County Courts of this Commonwealth the power to grant divorces, to change the name of individuals, and direct the sales of estates belonging to infants and other persons laboring under legal disabilities, and report by bill or otherwise.

Which was adopted.

Mr. Barbour moved the following resolution, viz:

Resolved, That the Public Printer be directed to print two thousand copies of the speech delivered by the Hon. H. Clay, in the Hall of the House of Representatives, on Friday, the 15th inst., for the use of the General Assembly.

Which was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Sterret—1. A bill to incorporate a Cemetery Company, in the county of Hancock.

On motion of Mr. Pope—2. A bill to complete the Kentucky and Green river navigation, the unfinished turnpike roads, and to authorize the State to take stock in railroads, and to submit the same to the people of this Commonwealth.

The committee on the Judiciary was directed to prepare and bring in the 1st, and Messrs. Pope, Leathers, Wallace, Eaker, Ritter, B. Smith, and Riley, were appointed a committee to prepare and bring in the 2d.

And then the Senate adjourned.

TUESDAY, NOVEMBER 19, 1850.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

1. An act to incorporate Boone Lodge, No. 1, Independent Order of Odd Fellows, Louisville.

2. An act to incorporate the Maxwell Spring Company, at Lexington.

3. An act to incorporate the Kentucky Agricultural and Mechanical Association, at Lexington.

4. An act better to define the lines between the counties of Pike, Floyd, Lawrence, and Johnson.

5. An act for the benefit of Samuel Haycraft.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 2d were referred to the committee on the Judiciary; the 3d to the committee on Agriculture and Manufactures; the 4th to the committee on Propositions and Grievances; and the 5th was ordered to be read a third time.

The constitutional provision as to the third reading of the 5th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the relief of Francis Hillary was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the committee on the Judiciary.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed enrolled resolutions, which originated in the Senate, of the following titles, viz:

Resolution to postpone the day for the election of Commissioners to revise the Statutes, and to prepare a Code of Practice.

Resolution authorizing the purchase of one hundred and fifty copies of a lithographed skeleton map of the State of Kentucky.

Approved November 18, 1850.

Mr. Bullock, from the committee on County Courts, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the soldiers of the late war with England, &c., reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bullock, from the same committee, to whom was referred a bill for

the benefit of the Clerks of the Circuit and County Courts of this Commonwealth, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to define the lines of Clay and Perry counties.

An act to run and re-mark the dividing line between the counties of Campbell and Pendleton.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to change the law concerning a road in Perry and Clay counties.

An act to repeal an act to prevent unlawful fishing in parts of Licking river.

An act for the benefit of John Martin, of Floyd county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bruce, from the same committee, to whom was referred a bill to amend the charter of the Lexington and Frankfort Railroad Company, reported the same without amendment, and it was placed in the orders of the day.

Mr. Buster, from the committee on the Library, reported a bill authorizing the exchange of books between this State and the United States, and the several States and Territories, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be recommitted to the committee on the Library.

A message was received from the House of Representatives, by Mr. Desha, announcing the death of Richard M. Johnson, late a member of that House from the county of Scott, and that they had adopted the following resolutions, viz:

Resolved, That this House has heard with deep regret of the death of Richard M. Johnson, late a member from the county of Scott.

Resolved, That a committee of seven be appointed on the part of this House, to act in conjunction with such committee as may be appointed on the part of the Senate, to superintend the funeral of the deceased.

Resolved, That, in consideration of the eminent services of the deceased, both in the field and the cabinet, he be buried in the Frankfort Cemetery in the grounds appropriated to the burial of Kentucky's illustrious dead.

Resolved, That the members and officers of this House will attend the funeral of the deceased from the House of Representatives on to-morrow at 10 o'clock, and that a message be forthwith sent to the Senate announcing to that body the death of R. M. Johnson, late a member of the House of Representatives, from the county of Scott, and that the Senate be requested to unite with this House in the funeral of the deceased.

Resolved, That as a testimonial of their regard for the illustrious deceased, the members and officers of this House will wear crape on the left arm for thirty days.

Resolved, That as a further mark of respect for the deceased, this House do now adjourn.

Mr. Shepard moved the following resolution, viz:

Resolved, That a committee of five be appointed to confer with the committee on the part of the House of Representatives, for the purpose of taking into consideration what manner the funeral ceremonies of the Hon. Richard M. Johnson, deceased, shall be conducted, and to assure the House that the Senate desires to co-operate in rendering such respect to his memory as his eminent services and distinguished position, while living, demand at our hands.

Which was unanimously adopted.

Whereupon, the Speaker appointed Messrs. Shepard, Morgan, Irwin, Kouns, and Buster, as the committee, in pursuance of said resolution.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 20, 1850.

Mr. Eaker moved the following resolution, viz:

Resolved, That the members of the Senate and officers will wear crape on their hats and left arms, for the space of thirty days, in memory of Richard M. Johnson, late a member of the House of Representatives from the county of Scott.

Which was unanimously adopted.

And then the Senate adjourned.

THURSDAY, NOVEMBER 21, 1850.

The Speaker announced the following committees, viz:

Messrs. Chiles and Linthicum to visit the Institution for the Blind, and Marine Hospital.

Messrs. Riley, Johnston, and Morgan, to visit the Lunatic Asylum.

Messrs. Munger, Marshall, and Wallace, to visit the Deaf and Dumb Asylum, at Danville.

On motion of Mr. Marshall,

Ordered, That Mr. Buster be added to the committee appointed to visit the Deaf and Dumb Asylum, at Danville.

The Speaker laid before the Senate the annual report of the Treasurer, which is as follows, viz:

TREASURY DEPARTMENT,
Frankfort, Nov. 19, 1850.

SIR: You will oblige me by laying before the Senate the annual report of this department. Very respectfully,

R. C. WINTERSMITH, *Treasurer.*

Hon. BEN. E. GREY, *Speaker of the Senate.*

[*For Report—see Legislative Documents.*]

Mr. Barbour, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act for the benefit of David Click, of Floyd county.

An act to incorporate Crittenden Lodge, No. 150.

An act to amend the charter of the Versailles and Nicholasville Turnpike Road Company

An act for the benefit of Thornton Triplett.

And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr Barbour reported that the committee had performed that duty.

The committee on County Courts was discharged from the further consideration of the leave, to them referred, to bring in a bill prescribing the duties of County Court Clerks.

The following bills were reported, viz:

By Mr. Bruce, from the committee on Internal Improvement—1. A bill to incorporate the Flemingsburg and Upper Fox Springs Turnpike Road Company.

By Mr. Chiles, from the committee on Finance—2. A bill to amend the several acts concerning the duties of commissioners of tax, in this Commonwealth.

By Mr. Graves, from a select committee—3. A bill appointing commissioners to divide the counties of this commonwealth into districts for the election of Justices of the Peace and Constables.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was placed in the orders of the day; the 3d was made the special order of the day for Saturday, the 23d inst.; and the 1st was ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Public Printer print 150 copies of the 2d and 3d bills for the use of the General Assembly.

Mr. Wallace, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Common School Commissioners of Monroe county, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Bullock—1. A bill to authorize the taking of depositions of practicing physicians to be read in chief in common law cases.

On motion of Mr. Ballard—2. A bill to amend the charter of Funk Seminary and Masonic University, at Lagrange.

On motion of Mr. Irwin—3. A bill to provide for the election of Justices of the Peace and Constables, in this Commonwealth.

On motion of Mr. T. J. Smith—4. A bill for the benefit of Joseph A. Vance.

On motion of Mr. Anderson—5. A bill to amend an act, entitled, an act to settle and adjust the claim of John Bussing, approved March 1st, 1847.

Messrs. Bullock, Irwin, and Munger, were appointed a committee to prepare and bring in the 1st; the committee on Education was directed to prepare and bring in the 2d; the committee on County Courts the 3d; the committee on Finance the 4th; and the committee on Internal Improvement the 5th.

Mr. Pope presented the remonstrance of sundry citizens of Jefferson county against the formation of a new county out of parts of Meade, Hardin, Bullitt, and Jefferson, which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Shepard read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three on the part of the House of Representatives, and two on the part of the Senate, be appointed to communicate with the Rev. Stuart Robinson and request of him, for publication, a copy of the funeral discourse delivered by him, on the 20th instant, on the occasion of the death of Col. Richard M. Johnson; and that said committee tender to him the thanks of the General Assembly for the able manner in which he discharged the duties devolving upon him on that occasion.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up, twice read, and adopted.

Mr. Graves read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will this day (the 21st inst.,) at 12 o'clock, M., proceed to elect three persons learned in the law, whose duty it shall be to revise and arrange the Statute Laws of this Commonwealth, both civil and criminal, so as to have but one law on any one subject; also, at the same time, will proceed to elect three other persons learned in the law, whose duty it shall be to

prepare a Code of Practice for the courts, both civil and criminal, in this Commonwealth.

The rule of the Senate requiring a joint resolution to lie one day on the table, being dispensed with, said resolution was taken up, twice read, and adopted.

After a short time a message was received from the House of Representatives announcing that they had concurred in said resolution.

Mr. Patterson read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the committee on Banks open a correspondence with the Bank of Kentucky, the Northern Bank, the Bank of Louisville, the Southern Bank, and the Farmers Bank, in writing, putting to the President and Directors of said Banks such questions as, in their judgment, may be necessary to be answered to ascertain the true condition of said Banks; also, such interrogatories as they may deem necessary to ascertain whether or not said Banks have acted within the powers granted them by their respective charters; and that said correspondence shall supersede the necessity of visiting said Banks, and that the whole of the correspondence between said committee and the President and Directors of said Banks be by them reported to the General Assembly.

Mr. E. Hogan read and laid on the table the following resolution, viz:

Resolved, That the committee appointed by the Senate and House of Representatives to visit and examine the Banks, in Lexington, be directed to visit and examine the condition and prospects of Transylvania University, and report the same to this House.

The Senate proceeded to the consideration of the special order of the day, being a bill to equalize the compensation for the collection of the revenue tax.

Ordered, That the further consideration of said bill be postponed and made the special order of the day for Friday, the 29th inst.

A bill to amend the charter of the Lexington and Frankfort Railroad Company, came up in the orders of the day.

Ordered, That said bill be engrossed and read a third time.

Ordered, That Mr. Bruce inform the House of Representatives of the readiness of the Senate, in pursuance of the joint order, to proceed to the election of Commissioners to revise and arrange the Statute Laws, and Commissioners to prepare a Code of Practice for the courts of this State, both civil and criminal.

A message was received from the House of Representatives announcing their readiness to proceed with said election.

Mr. Irwin nominated Charles A. Wickliffe, Samuel S. Nicholas, and Squire Turner, as Commissioners to revise and arrange the Statute Laws of this State.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Commissioners to revise and arrange the Statute

Laws, and Charles A. Wickliffe, Samuel S. Nicholas, and Squire Turner, received the unanimous vote of the Senate.

Messrs. Munger and Pope were appointed a committee on the part of the Senate to compare the joint vote and report the result. After a short time, Mr. Munger reported that Charles A. Wickliffe, Samuel S. Nicholas, and Squire Turner, had received the unanimous vote of both Houses. Whereupon, they were declared duly elected Commissioners to revise and arrange the Statute Laws of this State.

Mr. E. Hogan nominated Madison C. Johnson, James Harlan, and Preston S. Loughborough, as Commissioners to prepare a Code of Practice for the courts of this State, both civil and criminal.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Commissioners to prepare a Code of Practice for the courts of this State, both civil and criminal, and Madison C. Johnson, James Harlan, and Preston S. Loughborough, received the unanimous vote of the Senate.

Messrs. Munger and Pope were appointed a committee, on the part of the Senate, to compare the joint vote and report the result. After a short time, Mr. Munger reported that Madison C. Johnson, James Harlan, and Preston S. Loughborough, had received the unanimous vote of both Houses. Whereupon, they were declared duly elected Commissioners to prepare a Code of Practice for the Courts of this State, both civil and criminal.

Ordered, That Messrs. Linthicum, Bullock, and Ballard, be appointed a committee to notify the Commissioners aforesaid of their election.

And then the Senate adjourned.

FRIDAY, NOVEMBER 22, 1850.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled resolutions and bills which originated in that House of the following titles, viz:

Resolution to appoint a committee to visit the Lunatic Asylum.

Resolution to instruct the committee on the Library to inquire whether or not there be a State Librarian.

Resolution to appoint a committee to visit the Institution of the Blind, and Marine Hospital.

An act to incorporate the Christian Church in the town of Paducah.

An act for the benefit of the mechanics of McCracken county.

An act to change the May term of the County Court of Shelby county.

An act for the benefit of William D. Mitchell.

An act to repeal the fifth section of an act to amend the charter of the Jefferson and Brownsboro' Turnpike Road Company.

An act to amend an act, entitled, an act to mark definitely the dividing lines between certain counties, approved February 27, 1849.

An act to amend the charter of the Versailles and McCoun's Ferry Turnpike Road Company.

An act to authorize the Bourbon County Court to subscribe for stock in the Newtown and Leesburg Turnpike Road Company.

Approved November 18, 1850.

That they had concurred in the amendment, proposed by the Senate, to a bill from that House, entitled, an act to incorporate Pulaski Lodge, No. 111; Curd Lodge, No. 175, and Somerset Chapter, No. 25.

That they had passed bills from the Senate of the following titles, viz:

An act to incorporate the Mitchellsville and Dry Creek Plank Road Company.

An act for the benefit of the Clerks of the Circuit and County Courts of this Commonwealth.

That they had passed bills of the following titles, viz:

1. An act for the benefit of William Slusher.

2. An act for the benefit of the Trustees of School District, No. 3, in Todd county.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Internal Improvement, and the second to the committee on Education.

Mr. Ritter, from the committee on Federal Relations, to whom were referred the resolutions concerning the compromise measures on the slavery question, read and laid on the table by Mr. E. Hogan on the 9th inst., reported the same with an amendment.

Which was concurred in.

Mr. Magoffin moved to amend said resolutions by substituting in lieu thereof the following, viz:

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the union of these States was formed for the common defence and general welfare—its burdens and its benefits were to be equally borne and

equally enjoyed, and its preservation is far above all parties and above all price.

2. *Resolved*, That Kentucky has regarded with the most painful solicitude the encroachments of the North upon the rights of the South, in violation of the great principles of justice and equality upon which the Union was formed; and that while she approves of the late adjustment by our National Legislature, she believes the concessions in that adjustment were magnanimously made as heretofore by the slave to the free States. Looking to the daily concentrating and increasing power of the free States and their disposition to wield that power for their supposed advancement in violation of the Constitution, and believing the measures embraced in the late adjustment were the best that could be obtained for the South, her representatives in Congress carried out the will of their constituents in voting for those measures to preserve the Union, because, if those measures are properly carried out and rigidly executed in good faith, our Government *is still*, notwithstanding what the South has suffered and conceded, the best Government on the face of the earth —under it we still live free and happy, and "it is better to bear the ills we have, than fly to those we know not of."

3. *Resolved*, That Kentucky, until her equality, her rights, and her honor, are so outraged that she cannot preserve them by remaining within the Union, will stand by it as it now is, and by the President in executing any of the laws of the United States, and will resist to the bitter end and to the last extremity any and every attempt to divide this glorious confederacy, formed by the wisdom and cemented by the blood of our fathers.

Mr. Hays moved the following amendment, viz:

Resolved, That should an effort be made by the North or any other section of this Union to repeal the fugitive slave bill, at the approaching session of Congress, then, and in that event, we hereby request our Senators and Representatives in Congress to use all honorable means to prevent its repeal.

Ordered, That said resolutions and amendments be recommitted to the committee on Federal Relations, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act to incorporate Pulaski Lodge, No. 111.

An act for the benefit of the soldiers of the late war with England, &c.

An act for the benefit of Elijah H. Looman, of Fleming county.

An act to define the lines of Clay and Perry counties.

An act to repeal an act to prevent unlawful fishing in parts of Licking river.

An act for the benefit of John Martin, of Floyd county.

An act to run and re-mark the dividing line between the counties of Campbell and Pendleton.

An act to change the law concerning a road in Perry and Clay counties.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.* affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
November 21st 1850.

Gentlemen of the Senate and House of Representatives:

I have the honor to transmit to you the memorial of Thomas H. Barlow, asking the assistance of the State to enable him to visit the London Industrial Exhibition for the purpose of exhibting a Planetarium which he has constructed.

Mr. Barlow, I am informed, is a native of Kentucky, and is a most worthy and excellent citizen. He is a man of wonderful skill and proficiency in the mechanical arts, and is a self-made man. Such a man deserves the sympathy and consideration of his fellow citizens.

Of the value of his invention, I am not competent to judge. It has been submitted to several gentlemen learned in astronomy, all of whom unite in pronouncing it a great triumph of genius and mechanical skill. I refer you gentlemen to the communications herewith enclosed, and respectfully but earnestly ask your attention to the subject at your earliest convenience.

JOHN L. HELM.

FRANKFORT, KENTUCKY,
November 19th 1850.

The memorial of Thomas H. Barlow, a native, and for above fifty years a resident of Kentucky, and now a citizen of Lexington—respectfully sheweth:

That after long continued and earnest efforts—persevered in through the greatest discouragements—he has succeeded in inventing and constructing an Instrument, commonly called a Planetarium—which he believes is far more perfect, than any thing of the sort ever before produced.

This instrument he is desirous of exhibiting at the great Industrial Exhibition in London, next spring; and to that end, has submitted it to the examination of the committee appointed for that purpose, by the Governor of Kentucky, and it has been approved and certified.

But this memorialist is a poor man, and wholly unable to bear the expense of the journey to London and back. He is also a laboring man—and even the loss of the time would be important to him. But he is unwilling to be at expenses for the transportation &c., of his instrument—and not accompany it, exhibit it, and explain it himself; for by this latter course he might not only loose his money, but also his just rights as an inventor—and his country the honor which he hopes may result from this invention.

He therefore desires and asks, that the sum of five hundred dollars may be

advanced to him by the State of Kentucky, to enable him to go with his Planetarium to the Industrial Exhibition at London; that sum being the smallest amount, as he believes, that will suffice to carry him there—maintain him six months, which the trip will require—the exhibition itself lasting several months—defray his unavoidable expenses and bring him home.

He does not ask this as a gift from the State; but in return for it, he offers to make over to the State of Kentucky, for the benefit of all her people, the free use of the invention he has made, without any charge for the patent privilege; and he further offers to bind himself to furnish his instruments, plainly, but correctly, and handsomely made, to all the District Schools in the State, that apply for them, at their actual cost—which will be about twenty-five dollars each: and he does not hesitate to say, that he considers the substantial benefits embraced in this offer, a most ample equivalent for the small advance he asks the State to make—in the promotion of an object which concerns her reputation as well as her interest.

He further represents, that a special report from the committee mentioned above, the chairman of which is the Superintendent of Public Instruction for the State—recommending the object herein sought, accompanies this memorial; as do also several letters from eminent scientific gentlemen explaining the nature, uses, and importance of his invention; and he now adds that he is anxious to submit his instrument to any further examination—it being now in Frankfort, for exhibition—that shall be considered necessary.

In conclusion, this memorialist, as he trusts with becoming modesty—and with perfect respect for his Excellency and the members of the Legislature to whom he herein addresses himself,—has laid open his heart on a subject upon which, as may well be supposed, he feels deeply. He thinks he has gone as far as is becoming in one situated as he is. He will be grateful for the countenance and aid of his country, if they are extended to him. If they are denied—he knows too well the fate of those who have in all ages conferred blessings on mankind by their great discoveries—to murmur at any thing that may befall him. He cannot at least, be deprived of the consciousness that he has done that—which may, if rightly used, greatly benefit mankind—and which ought, perhaps, to entitle him to the fair consideration of his country. All which is respectfully submitted.

THOS. H. BARLOW.

To his excellency the Governor,
and to the members of the Senate and House of Representatives.

FRANKFORT, November 19th 1850.

To his excellency JOHN L. HELM,
Governor of Kentucky.

The committee appointed by your Excellency, under the requisition of the Central Agency at Washington city, to examine such articles—the product of Kentucky—as might be presented to them, with the view of being transmitted to the great Industrial Exhibition at London, have, in the performance of their duty, been engaged in the examination of an instrument constructed by *Thomas H. Barlow*, which the committee supposes to be worthy, under all the circumstances, of this special report to your excellency.

Such notice has been taken of this instrument, and such a testimonial been made in regard to it, as will give it a place in the great London exhibition—as the only article sent from Kentucky, as far as yet appears. But, as will more fully appear by the memorial of the said Thomas H. Barlow, accompanying this report—it is impossible for the instrument to go, much less for him to accompany it, without the aid of the State; which it is the object of his memorial to obtain—and of this

report to commend to the favorable notice of your Excellency, and through you, to the Representatives of the people.

The instrument which is of that nature, commonly called a Planetarium, is intended to exhibit, upon mechanical principles, some of which are new in their application in this manner; and by means of mechanical contrivances, some of which are not only new, but wonderfully simple, beautiful and efficacious—not only the ordinary and well understood system of the planetary motions—but also to demonstrate the most intricate and complex movements of all the bodies, primary and secondary, which enter into our Solar System. This has actually been accomplished, and a work manifesting great genius, and consummate skill in Art, has been produced.

The reputation of the Commonwealth, cannot fail to be promoted by the exhibition, on so great a theatre, of such an instrument; and the boundaries of knowledge, enlarged, by such a contribution to one obvious and proper mode of extending them. In addition to such considerations, the knowledge which one capable of such an invention as this, will bring back from such an exhibition as that at London will be,—must necessarily be invaluable, alike to himself and to the state. But, apart from all other motives to aid Mr. Barlow, there can be no question, that the consideration he offers to the state, by way of compensation for the very moderate sum of money he asks to be appropriated for his use—is a most liberal offer on his part, and a most valuable one to the cause of education in the state.

For further satisfaction, in the premises, the opinions in writing, of several gentlemen, eminent for their attainments, and for their skill as instructors of youth—have been obtained touching the instrument invented and constructed by Mr. Barlow—and are transmitted, together with his memorial, along with this report.

As it is indispensable that all articles sent to the exhibition in London, from this country, should be stored in the national depot, in the city of New York, early in the month of January—or miss the opportunity of being sent at all—your Excellency and the Representatives of the people will perceive, that any thing which it may be considered proper to do, must, to be of any service, be done at an early day. All which is respectfully submitted.

RO. J. BRECKINRIDGE,
Chairman of the Committee.

To his excellency JOHN L. HELM,
Governor of Kentucky.

Dear Sir: Not finding it convenient to meet Dr. Robert J. Breckenridge in Frankfort for the purpose of examining conjointly with him, Mr. Barlow's Planetarium and reporting thereon, I embrace with much pleasure, this means of communicating to you my opinion of its merits.

The most striking feature in Mr. Barlow's Planetarium—that which constitutes its novelty—is its great *simplicity*. All the machines intended for astronomical illustrations, which I have heretofore seen, were exceedingly complicated in construction, and, consequently, very liable to become impaired.

The machine invented and constructed by Mr. Barlow, is further to be admired for the great *number of facts* which it illustrates. It is as unnecessary as it would be tedious, to mention these in detail. I do not remember any material physical phenomenon, referable to the motions of Venus, the Earth, and the Moon, which may not be demonstrated by it. It is to be noted in this connection, that all the motions of the machine are surprisingly accurate—true to nature.

The simplicity of Mr. Barlow's Planetarium will enable him to furnish it at so low a rate, as to bring its advantages within the reach of almost all our smaller

schools, select and district. This consideration is thought to be eminently commendatory of the machine.

Every teacher, it is presumed, who attempts to communicate accurate ideas of planetary motions without the aid of some kind of apparatus, soon finds himself hopelessly embarrassed. The illustration of even the common phenomenon of the seasons, as caused by the movements of the Earth in its orbit, and by the inclination of its poles to the plane of the Ecliptic, is found impossible without machinery. The demonstration of the more complicated causes of lunar phenomena, it would be folly to attempt. In my opinion, diagrams in general, only serve to confuse the pupil, and to give him erroneous notions of celestial appearances. In adaptedness for illustrating the real motions of the moon, and all the phenomena dependent thereon, it is believed that Mr. Barlow's machine excels any other in existence.

On all these accounts, and others, with which I need not trouble your Excellency, I feel deeply anxious that Mr. Barlow's Planetarium should obtain notoriety and be brought into general use. It might not be improper to suggest to your Excellency, that any legitimate exercise of your influence, personal and official, for this end, would be both benevolent and patriotic.

I have the honor to be, your fellow citizen,

L. L. PINKERTON, *M. D.*

Baconian Institute, Midway Ky., Nov. 19th 1850.

TRANSYLVANIA UNIVERSITY, November 18th 1850.

Gentlemen: It affords me pleasure to convey to you (as requested in your communication of the 16th inst.) my opinion of the utility, ingenuity, and novelty of the Tellurion, or Planetarium, constructed by Mr. Barlow.

The utility of this class of instruments, may be fairly concluded, from their very general use in the higher schools of our country; very few intelligent teachers considering their means of scientific instruction complete without one. To the beginner in the science of Astronomy, they certainly afford the greatest facilities for acquiring those elementary ideas of the subject, on the distinctness of which his successful pursuit of the science will entirely depend.

Mr. Barlow's instrument, I confidently believe, is superior in its mechanical devices, and in the number and accuracy of the results which it produces, to any known to the public. Its *peculiar ingenuity* consists in the simplicity of the means employed, to represent such phenomena as arise from the eccentricity of the Earth's orbit, the inclination of her axis to the plane of the Ecliptic, the inclination of the Moon's orbit, the retrogradation of her nodes, and similar facts relating to the planet Venus. The revolutions of these bodies, including their synodic periods, whence result eclipses and transits, are represented with a degree of accuracy which I venture to say has been attained in no other instrument of the kind.

This very brief statement embraces the points which, it seems to me most important to notice in regard to the instrument in question, and which I understand to be in conformity with the object of your communication.

I have the honor to be, your obedient servant,

JAMES B. DODD.

To Messers C. C. Rogers, and C. B. Wallace,
Chairmen of the committees on Education, Kentucky Legislature.

WALNUT HILL, November 19th 1850.

Gentlemen: Your letter of the 16th is before me, and I hasten to reply to it. We have at this Institution a Planetarium, made by Mr. Barlow, of Lexington

Kentucky. I am no machinist, and can therefore only say in regard to the machinery, that it is novel and ingenious in its combinations, differing from those of Orrery and Ferguson, intended to illustrate the same astronomical facts. But of the results produced by the mechanical skill of Mr. Barlow, I can speak confidently. The diurnal and annual motions of the earth, the motion and phases of the moon, the relative positions of the sun, earth and moon, when eclipses occur, the lengths of day and night, and the seasons of the year, are all illustrated by being not described, but brought before the eye. The motion of the planet Venus around the sun, is also shown, and the reason of its being in one part of its orbit the morning star, and in another the evening star, is made manifest. It seems to me an original, ingenious, and highly useful astronomical apparatus, and worthy the attention of all enlightened men.

Very respectfully, your obedient servant,

JOHN LEWIS.

Messrs C. C. Rogers, Ch. C. Ed. H. Rep.
C. B. Wallace, Ch. C. Ed. Senate.

Ordered, That said message be referred to the committee on Education.

Mr. Wallace presented the annual report of the Trustees of the Deaf and Dumb Asylum, at Danville.

[*For Report—see Legislative Documents.*]

Mr. Wallace moved the following resolutions, viz:

1. *Resolved*, That 1300 copies of the report of the Trustees of the Deaf and Dumb Asylum be printed for the use of the Senate, and that the Public Printer be directed to attach to each copy the deaf and dumb alphabet, and that the same be enveloped in neat covers.

2. *Resolved*, That 500 copies of said report be set apart for the use of said Asylum.

Which were adopted.

Mr. Bullock, from a select committee, reported a bill to authorize the taking of depositions of practicing physicians to be read in chief in common law suits, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

On motion of Mr. Magoffin, leave was given to bring in a bill to provide for the removal of slaves, hereafter emancipated, beyond the limits of this Commonwealth; and Messrs. Magoffin, Linthicum, and Pope, were appointed a committee to prepare and bring in the same.

Mr. Barbour, moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency and propriety of reporting a bill to repeal the laws allowing premiums for killing wolves and wild cats.

Which was adopted.

The resolution read and laid on the table by Mr. E. Hogan on yesterday, to appoint a committee to visit Transylvania University, was taken up, amended, twice read, and adopted.

On motion of Mr. Pope,

Ordered, That Mr. Barbour be added to the committee appointed to visit the Deaf and Dumb Asylum, at Danville.

An engrossed bill, entitled, an act to amend the charter of the Lexington and Frankfort Railroad Company, was read a third time.

Mr. Patterson moved an amendment thereto, by way of engrossed ryder.

Ordered, That said bill and amendment be referred to the committee on the Judiciary.

A message, in writing, was received from the Governor by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent the following persons for the offices annexed to their respective names. JOHN L. HELM.

James Harlan, to be Attorney General.

James Barbour, to be Auditor of Public Accounts.

Benjamin D. Lacy, to be Commonwealth's Attorney for the 11th Judicial District.

M. R. Hardin, to be Commonwealth's Attorney for the 9th Judicial District.

Conrad Shroder, Notary Public, Jefferson.
W. Ramsey, Notary Public, Jefferson.
D. D. Spear, Notary Public, Jefferson.
Joseph W. Sautrell, Notary Public, Jefferson.
M. M. Cole, Notary Public, McCracken.
Horace B. Atwaln, Notary Public, Jefferson.
James B. Jones, Notary Public, Kenton.
W. T. Ingram, Notary Public, Pulaski.
Levi Y. Millspaugh, Notary Public, Montgomery.
O. S. Poston, Notary Public, Mercer.
J. B. Akin, Notary Public, Boyle.
W. G. Barbour, Notary Public, Caldwell.
R. H. Perry, Notary Public, Kenton.
Chas. W. Stewart, Notary Public, Kenton.
Alex. Duvall, Notary Public, Jefferson.
Lewis Worcester, Notary Public, Kenton.
James W. Batchelor, Notary Public, Franklin.
Thomas A. Ross, Notary Public, Mason.

Ordered, That said nominations be referred to the committee on the Judiciary.

The resolution of instruction to the committee on Banks, read and laid on the table by Mr. Patterson on yesterday, came up in the orders of the day.

Mr. Leathers moved to amend said resolution by adding thereto the following:

Resolved, further, That this resolution shall not apply to the present session, as it would interfere with vested rights, but it shall apply hereafter.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Mr. Bruce moved to lay said resolution, as amended, on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bruce and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Hamilton Pope,
Hall Anderson,	Elihu Hogan,	Nathaniel P. Saunders,
John P. Bruce,	James W. Irwin,	James M. Shepard,
William C. Bullock,	Alfred Johnston,	Thomas J. Smith,
Sam. Daviess Delany,	Beriah Magoffin,	William Sterret—15.

Those who voted in the negative, were

James P. Barbour,	John W. Leathers,	John W. Ritter,
Joshua Buster,	Thomas P. Linthicum,	Thomas Rouse,
John Eaker,	William N. Marshall,	Nimrod Routt,
Abijah Gilbert,	Fitch Munger,	Berry Smith,
James W. Hays,	Robert A. Patterson,	Caleb B. Wallace—17.
John C. Kouns,	Camden Riley,	

The question being taken on the adoption of said resolution, as amended, it was decided in the negative.

And then the Senate adjourned.

SATURDAY, NOVEMBER 23, 1850.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills, which originated in that House, of the following titles, viz:

An act for the benefit of Thornton Triplett.

Approved November 20, 1850.

An act for the benefit of David Click, of Floyd county.

An act to amend the charter of the Versailles and Nicholasville Turnpike Road Company.

An act to incorporate Crittenden Lodge, No. 150.

Approved November 21, 1850.

That they had passed bills of the following titles, viz:

An act to repeal an act for the benefit of James Cunningham, of Trigg county.

An act to repeal an act, entitled, an act to reduce into one the several acts concerning the town of Cynthiana.

An act to change the lines of Perry and Clay counties.

An act for the benefit of the Sheriff of Cumberland county.

An act for the benefit of Stephen Moody, of Monroe county.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate Boone Lodge, No. 1., Independent Order of Odd Fellows, Louisville, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, to whom was referred the petition of Thomas Jones, of Caldwell county, praying the passage of a law to change the name of William W. Rodgers to William W. Jones, reported the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Pope, from the same committee, asked to be discharged from the further consideration of the leave to them referred to bring in a bill to change the law in relation to runaway slaves.

And the question being taken on discharging the committee from the further consideration of said leave, it was decided in the negative.

Ordered, That said committee prepare and report a bill pursuant to said leave.

The following bills were reported, viz:

By Mr. Bullock, from the committee on the Judiciary—1. A bill to establish a Police Court in the town of Hardinsburg.

By same—2. A bill to authorize and require the Trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order.

By Mr. Hays, from the same committee—3. A bill to incorporate the Hawesville Cemetery Company.

By Mr. Wallace, from the committee on Education—4. A bill for the benefit of the Funk Seminary and Masonic University, at Lagrange.

By Mr. Munger, from a select committee—5. A bill to incorporate the Maysville and Big Sandy Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 5th was referred to the committee on Internal Improvement; and the 1st, 2d, 3d, and 4th, were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of the 1st, 2d, 3d, and 4th bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bullock, from the committee on the Judiciary, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to authorize the Clerk of the Ohio County Court to transcribe and index certain records in his office.

An act for the relief of Francis Hillary.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Munger, from the same committee, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to incorporate Cumberland Lodge, No. 149.

An act to incorporate the Maxwell Spring Company, at Lexington.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Morgan, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to run and re-mark the dividing line between the counties of Butler and Edmonson.

An act better to define the lines between the counties of Pike, Floyd, Lawrence, and Johnson.

Reported the same, with an amendment to the 1st, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, (the 1st as amended,) and that the titles thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Trustees of School District, No. 3, in Todd county.

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Buster, from the committee on the Library, to whom was recommitted a bill authorizing the exchange of books between this State and the United States, and the several States and Territories, reported the same with an amendment.

Mr. Leathers moved an amendment to said amendment.

Ordered, That said bill an amendments be recommitted to the committee on the Library.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent the following persons for the offices annexed to their respective names:

Ashel H. Lewis, to be Commissioner of Deeds for the State of Ohio.

David H. Tapping, to be Commissioner of Deeds for the State of New York.

L. B. Fleak, to be Commissioner of Deeds for the State of Iowa.

S. M. Breckinridge, to be Commissioner of Deeds for the State of Missouri.

A. C. Waugh, to be Commissioner of Deeds for the State of Alabama.

B. Gratz Brown, to be Commissioner of Deeds for the State of Missouri.

Alex. J. Garesche, to be Commissioner of Deeds for the State of Missouri.

John Wilson, to be Commissioner of Deeds for the State of Missouri.

Sydney L. Sandford, to be Commissioner of Deeds for the State of Indiana.

George T. Chew, to be Commissioner of Deeds for the State of Virginia.

W. F. Day, to be Commissioner of Deeds for the State of Indiana.

George Grescom, to be Commissioner of Deeds for the State of Pennsylvania.

James Richardson, to be Commissioner of Deeds for the State of Wisconsin.

Aquilla K. Arnold, to be Commissioner of Deeds for the District of Columbia.

Tho. B. Veazy, to be Commissioner of Deeds for the State of Louisiana.

Wm. Anderson, to be Commissioner of Deeds for the State of Missouri.

H. F. Hill, to be Commissioner of Deeds for the State of Tennessee.

Martin Van Every, to be Commissioner of Deeds for the State of Ohio.

Tho. M. Swan, to be Commissioner of Deeds for the State of California.

David B. Binney, to be Commissioner of Deeds for the State of Pennsylvania.

David Reed, to be Commissioner of Deeds for the State of Georgia.

Edward C. Larned, to be Commissioner of Deeds for the State of Illinois.

Benjamin F. Graves, to be Notary Public for the county of Fayette.

November 23, 1850. JOHN L. HELM.

Ordered, That said nominations be referred to the committee on the Judiciary.

On motion of Mr. Irwin,

Ordered, That leave of absence be granted to Mr. Ritter for an indefinite time.

The special order, being a bill appointing Commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables, was taken up.

Ordered, That the further consideration of said bill be postponed, and made the special order for Monday, the 25th inst.

And then the Senate adjourned.

MONDAY, NOVEMBER 25, 1850.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

An act to authorize the Police Judge of Somerset to grant injunctions.

An act to repeal in part an act, entitled, an act authorizing mill dams to be built across John's creek.

Mr. E. Hogan presented the petition of a committee, on behalf of the citizens of Fayette county, asking the passage of a law allowing them to sell their bonds for the purpose of taking stock in certain railroads and to tax themselves to pay the interest, which was received, the reading thereof dispensed with, and referred to the committee on Internal Improvement.

Mr. Hays, from the committee on the Judiciary, reported a bill for the benefit of the mechanics of Hardin county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with, said bill was amended.

Ordered, That said bill be recommitted to the committee on the Judiciary, with instructions to consider the propriety of bringing in a bill to operate generally throughout the State.

The following bills were reported, viz:

By Mr. Morgan, from the committee on Propositions and Grievances —1. A bill in relation to the Florence Academy, in Boone county.

By Mr. Bruce, from a seclect committee—2. A bill for the benefit of Common Schools.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be engrossed and read a third time, and the 2d was referred to the committee on Education.

The constitutional provision as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Public Printer print 150 copies of the second bill for the use of the General Assembly.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate the Elizaville and Helena Turnpike Road Company.

An act for the benefit of William Slusher.

Reported the same with amendments to the 1st, which were concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, (the 1st as amended,) and that the titles thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill to incorporate the Maysville and Big Sandy Railroad Company, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Bullock—1. A bill for the benefit of the Henry Academy, and Henry Female College.

On motion of Mr. Pope—2. A bill for the benefit of Emma Bardenwerper.

On motion of Mr. Gilbert—3. A bill for the benefit of William Williams, Clerk of Owsley county.

The committee on Education was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d; and Messrs. Gilbert, Irwin, and Bruce, were appointed a committee to prepare and bring in the 3d.

Mr. Chiles moved the following resolutions, viz:

1. *Resolved*, That the committee on the Public Buildings be and they are hereby requested to make a reconnoissance of the *enclosure* around "Capitol Square," in the city of Frankfort, and ascertain whether the same be "hog and cow proof," and sufficient to protect the State house, and the "offices, curtilages, and gardens, appendant thereto," from the irruptions of the *outside* stock of said city; and whether or not, in the opinion of said committee, the "peace and dignity" of this Commonwealth would be promoted by tearing away the stakes now used for propping up the fencing thereof, and of erecting and substituting a *new* enclosure of wood, stone, or iron; that they ascertain the probable cost of the same, and report hereto as soon as convenient.

2. *Resolved further*, That said committee be in like manner requested to examine the "gas works" erected on said Capitol Square, and to inquire whether or not the same is a public nuisance, or approximates very nearly thereto, and whether or not, in their opinion, the said works should be removed from said grounds; and, also, report as soon as possible in relation to this matter.

Which were adopted.

Mr. Bruce moved the following resolution, viz:

Resolved, That James S. Speed, Esq., Marshal of this State, be requested to furnish the Senate, at his earliest convenience, with a tabular statement of the number of square miles in each county in this State, as returned to his office by the different Assistant Marshals.

And the question being taken on the adoption thereof, it was decided in the negative.

On motion of Mr. Eaker, the vote rejecting said resolution was reconsidered.

Mr. Eaker moved to amend said resolution by substituting in lieu thereof the following, viz:

Resolved, That the Second Auditor be requested to furnish the Senate, at his earliest convenience, with a tabular statement of the number of square miles in each county of this State, as returned to his office.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Said resolution, as amended, was then adopted.

The Speaker laid before the Senate a report, in part, of the Commissioners appointed to prepare a Code of Practice for the courts, both civil and criminal, of this Commonwealth.

Ordered, That said report be referred to the committee on the Judiciary, and that the Public Printer print 600 copies thereof for the use of the General Assembly.

A bill appointing Commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables, was taken up, and referred to the committee of the whole on the State of the Commonwealth.

Thereupon, the Senate resolved itself into a committee of the whole, Mr. Eaker in the chair, and after sometime spent therein, the Speaker resumed the chair, when Mr. Eaker reported that the committee had, according to order, had under consideration said bill, and made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again, which was granted.

Mr. Patterson moved a reconsideration of the vote rejecting the resolution of instruction to the committee on Banks, read and laid on the table by himself on the 21st inst., and amended on the 22d inst., on the motion of Mr. Leathers.

And then the Senate adjourned.

TUESDAY, NOVEMBER 26, 1850.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

1. An act to increase the terms of the Campbell County Court.

2. An act for the benefit of James G. Hatcher, committee of Luanna Branham, an idiot of Floyd county.

3. An act to reduce into one, amend and digest the acts and amendatory acts incorporating the city of Lexington.

4. An act for the benefit of the Presbyterian Church, in Mountsterling.

5. An act to abolish the stray pen in Pulaski county.

6. An act to incorporate Bedford Division, No. 159, Sons of Temperance.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on County Courts; the 2d to the committee on Finance; the 3d and 6th to the committee on the Judiciary; the 4th to the committee on Religion; and the 5th to the committee on Propositions and Grievances.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act to authorize the Police Judge of Somerset to grant injunctions.

2. An act to repeal an act for the benefit of James Cunningham, of Trigg county.

3. An act to repeal an act, entitled, an act to reduce into one the several acts concerning the town of Cynthiana.

4. An act to change the lines of Perry and Clay counties.

5. An act for the benefit of the Sheriff of Cumberland county.

6. An act for the benefit of Stephen Moody, of Monroe county.

7. An act to repeal in part an act, entitled, "an act authorizing mill dams to be built across John's creek."

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 3d, and 6th, were referred to the committee on the Judiciary; the 2d and 7th to the commmittee on Internal Improvement; the 4th to the committee on Propositions and Grievances; and the 5th to the committee on Finance.

1. Mr. Bullock presented the petition of James C. Rodes, praying the passage of a law authorizing an appropriation for the amount of certain warrants issued to William T. Barry and James Haggin, Judges of the Court of Appeals.

2. Mr. E. Hogan presented the remonstrance of sundry merchants and others, of the city of Lexington, against the further increase of the rates of transportation on the Lexington and Frankfort railroad.

Which petition and remonstrance was received, the reading thereof dispensed with, and referred to the committee on the Judiciary.

Mr. Shepard presented the memorial of sundry citizens of Georgetown and Scott county, in relation to the passage of a law requiring the registration of the births, marriages, and deaths, of the inhabitants of this State; which was received, read, and referred to Messrs. Shepard, Pope, Patterson, Bullock, Munger, and Wallace.

Ordered, That the Public Printer print 150 copies of said memorial for the use of the General Assembly.

Mr. Wallace, from the committee on Education, read and laid on the table the following resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor is hereby authorized to issue his warrant on the Treasurer of this State for the sum of five hundred dollars, in favor of Thomas H. Barlow, to enable him to exhibit his Planetarium at the Industrial Exhibition in London.

Resolved, That, before the Auditor shall issue his warrant, as above, the said Thomas H. Barlow shall deposit a bond in the penalty of one thousand dollars, well secured, with the Secretary of State, faithfully to comply with the proposition contained in his memorial to the General Assembly.

Leave was given to bring in the following bills, viz:

On motion of Mr. Eaker—1. A bill for the benefit of William R. Gough, of Graves county.

On motion of Mr. Irwin—2. A bill to enable the Governor to carry into effect the provisions of the charter of the Southern Bank.

The committee on Finance was directed to prepare and bring in the 1st; Messrs. Irwin, Pope, and Patterson, were appointed a committee to prepare and bring in the 2d.

Mr. Irwin, from a select committee, reported a bill to enable the Governor to carry into effect the provisions of the charter of the Southern Bank of Kentucky, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with, it was referred to the committee on Banks.

The Senate, according to order, resolved itself into a committee of the whole on the state of the Commonwealth, Mr. Eaker in the Chair; after some time spent therein, the Speaker resumed the chair, when Mr. Eaker reported that the committee had, according to order, again had under consideration a bill appointing Commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables, and had adopted sundry amendments thereto, which were handed in at the Clerk's table.

The amendments proposed by the committee of the whole were then concurred in, and the bill was further amended.

Ordered, That the said bill be referred to the committee on the Judi-

ciary, with instructions to report the same on Friday next, at 10 o'clock, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 27, 1850.

A message was received from the House of Representatives announcing that they had adopted a resolution in regard to a law of Congress granting bounty lands to certain officers and soldiers.

Which resolution was twice read and concurred in.

That they had passed bills of the following titles, viz:

1. An act to incorporate the Louisa, Paintsville, Prestonsburg, and Pikeville Turnpike Road Company.

2. An act for the benefit of the town of Flemingsburg.

3. An act for the benefit of the Trustees of Washington.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Internal Improvement; the 2d to the committee on Propositions and Grievances; and the third to the committee on the Judiciary.

1. Mr. Barbour presented the petition of John B. Whelan, praying the passage of a law allowing him compensation for keeping his brother, Philip Whelan, an idiot.

2. Mr. Patterson presented the petition of sundry citizens of the town of Princeton, praying the passage of a law extending the corporate powers and privileges of said town.

Which petitions were received, the reading thereof dispensed with, and referred—the 1st to the committee on Finance, and the 2d to the committee on the Judiciary.

Mr. Pope, from the committee on the Judiciary, to whom were referred the following nominations, viz:

James Harlan, to be Attorney General.

James Barbour, to be Auditor of Public Accounts.

Benjamin D. Lacy, to be Commonwealth's Attorney for the 11th Judicial District.

M. R. Hardin, to be Commonwealth's Attorney for the 9th Judicial District.

Conrad Shroder, Notary Public, Jefferson.

W. Ramsey, Notary Public, Jefferson.

D. D. Spear, Notary Public, Jefferson.

Joseph W. Sautrell, Notary Public, Jefferson.

M. M. Cole, Notary Public, McCracken.

Horace B. Atwaln, Notary Public, Jefferson.

James B. Jones, Notary Public, Kenton.

W. T. Ingram, Notary Public, Pulaski.

Levi Y. Millspaugh, Notary Public, Montgomery.

O. S. Poston, Notary Public, Mercer.

J. B. Akin, Notary Public, Boyle.

W. G. Barbour, Notary Public, Caldwell.

R. H. Perry, Notary Public, Kenton.

Chas. W. Stewart, Notary Public, Kenton.

Alex. Duvall, Notary Public, Jefferson.

Lewis Worcester, Notary Public, Kenton.

James W. Batchelor, Notary Public, Franklin.

Thomas A. Ross, Notary Public, Mason.

Benjamin F. Graves, Notary Public, Fayette.

Ashel H. Lewis, to be Commissioner of Deeds for the State of Ohio.

David H. Tapping, to be Commissioner of Deeds for the State of New York.

L. B. Fleak, to be Commissioner of Deeds for the State of Iowa.

S. M. Breckinridge, to be Commissioner of Deeds for the State of Missouri.

A. C. Waugh, to be Commissioner of Deeds for the State of Alabama.

B. Gratz Brown, to be Commissioner of Deeds for the State of Missouri.

Alex. J. Garesche, to be Commissioner of Deeds for the State of Missouri.

John Wilson, to be Commissioner of Deeds for the State of Missouri.

Sydney L. Sandford, to be Commissioner of Deeds for the State of Indiana.

George T. Chew, to be Commissioner of Deeds for the State of Virginia.

W. F. Day, to be Commissioner of Deeds for the State of Indiana.

George Grescom, to be Commissioner of Deeds for the State of Pennsylvania.

James Richardson, to be Commissioner of Deeds for the State of Wisconsin.

Aquilla K. Arnold, to be Commissioner of Deeds for the District of Columbia.

Tho. B. Veazy, to be Commissioner of Deeds for the State of Louisiana.

Wm. Anderson, to be Commissioner of Deeds for the State of Missouri.

H. F. Hill, to be Commissioner of Deeds for the State of Tennessee.

Martin Van Every, to be Commissioner of Deeds for the State of Ohio.

Tho. M. Swan, to be Commissioner of Deeds for the State of California.

David B. Binney, to be Commissioner of Deeds for the State of Pennsylvania.

David Reed, to be Commissioner of Deeds for the State of Georgia.

Edward C. Larned, to be Commissioner of Deeds for the State of Illinois.

Reported the same with the following resolution thereon, viz:

Resolved, That the Senate advise and consent to said appointments.

Which was concurred in.

Mr. Hays, from the committee on the Judiciary, to whom was recommitted a bill for the benefit of the mechanics of Hardin county, reported the same with an amendment, as a substitute for said bill, which was concurred in.

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies of said substitute for the use of the General Assembly.

Mr. Munger, from the same committee, to whom was referred a resolution to inquire into the propriety and expediency of reporting a bill to repeal the laws allowing a premium for killing wolves and wild cats, asked to be discharged from the further consideration of said resolution, which was granted.

Mr. Bullock, from the same committee, to whom was referred a bill to authorize the taking of depositions of practicing physicians, to be read in chief in common law suits, reported the same without amendment.

Mr. Marshall moved an amendment to said bill, which was adopted.

Mr. Patterson moved an amendment to said bill.

Mr. Leathers moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

Mr. Leathers, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to repeal an act for the benefit of James Cunningham, of Trigg county.

An act to repeal in part an act, entitled, "an act authorizing mill dams to be built across John's creek."

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bruce, from the same committee, reported a bill to authorize the county of Fayette and city of Lexington to subscribe stock in railroad

companies, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the committee of the whole on the state of the Commonwealth.

Thereupon, the Senate resolved itself into a committee of the whole, on the state of the Commonwealth, Mr. Irwin in the chair, and after some time spent therein, the Speaker resumed the chair, when Mr. Irwin reported that the committee had, according to order, had under consideration the said bill, and had gone through with the same, and instructed him to report it to the Senate without amendment.

Ordered, That said bill be recommitted to the committee on Internal Improvement.

Mr. Chiles, from the committee on Finance, to whom was referred a bill for the benefit of Henry J. Mead, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	James W. Irwin,	Camden Riley,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Nimrod Routt,
William C. Bullock,	John W. Leathers,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	Berry Smith,
Sam. Daviess Delany,	William N. Marshall,	Thomas J. Smith,
John Eaker,	Daniel Morgan,	William Sterett,
Abijah Gilbert,	Fitch Munger,	Caleb B. Wallace,
Richard C. Graves,	Robert A. Patterson,	Thomas I. Young—34.
James W. Hays,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. Wallace, from the committee on Education, reported a bill for the benefit of Henry Academy, and Henry Female College, which was read the first time, as follows, viz:

Whereas, it is represented to this Legislature that at New Castle, in the county of Henry, an effort is now making to establish, permanently, two schools—a male school, known as the Henry Academy, and a female school, now applying to be incorporated under the name of the Henry Female College. That a new and commodious building has

lately been erected by the trustees of the Henry Academy with the funds of said institution, and other aid afforded by the citizens of New Castle and vicinity, which building is still unfinished, and that the funds of said institution are exhausted. It is further represented that S. S. Sumner, the Principal of the said Female College, with like aid afforded him by the citizens of New Castle and vicinity, is now having built a suitable college building for his school. That neither of these houses can be finished with the money subscribed. That the people of Henry have already been heavily taxed to carry up these buildings as far as they have gone. That the schools are not furnished with libraries or apparatus. The trustees of these schools are now making application to this Legislature to grant them jointly the privilege of a lottery, by which they hope to realize a sufficient amount of means to finish and furnish the above named houses, properly improve and cultivate the grounds, furnish the schools with suitable apparatus, libraries, &c. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for J. N. Webb, Thos. B. Posey, Joseph Drane, Wm. Pryor, and C. M. Mathews, to raise, by way of lottery, in one or more classes, as to them may seem expedient, any sum not exceeding fifty thousand dollars, to be appropriated for the use and benefit, equally, of the Henry Academy, and Henry Female College, located at New Castle, in the county of Henry; and the said managers, or such of them as may see proper to act, shall, before they enter upon the duties assigned them by this act, enter into bond, in the County Court of Henry, in the penalty of one hundred thousand dollars, conditioned for the faithful discharge of the duties enjoined on them by this act; and said bond may be sued on in the name of the Commonwealth of Kentucky, for the use and benefit of any person or persons injured by a breach of the conditions of said bond. And it shall be the duty of said managers, within ninety days after the drawing of said lottery, or any class thereof, to pay, or cause to be paid to the fortunate person or persons holding the ticket or tickets, all such prize or prizes as may be due, agreeably to the scheme which they the said managers may agree upon and publish: *Provided, however*, That such scheme shall not reserve more than twenty per cent. Said managers shall have the right to appoint such officers as may be necessary to conduct said lottery, all of whom, before they enter upon the respective duties assigned them by the managers, shall take an oath, before some Justice of the Peace, faithfully and honestly to discharge the same.

SEC. 2. That said managers shall, within ninety days after the drawing of said lottery, or any class thereof, pay over to the trustees of the Henry Academy, and the trustees of the Henry Female College, equally, all sums of money which may be due in consequence of the drawing of said lottery after all prizes have been paid.

SEC. 3. That the said managers shall be and they are hereby authorized to sell and dispose of said scheme, or any class thereof, to any person or persons who shall enter into bond with good security, conditioned well and faithfully to comply with all the terms and conditions of this act, payable to the Commonwealth of Kentucky; which bond or bonds shall be received by said managers, and be by them filed in the said Henry County Court before said lottery or any class thereof shall be

drawn: *Provided*, That nothing in this act contained, shall be so construed as to repeal any provision of the general law of this Commonwealth against selling or vending lottery tickets within this State.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Graves moved to amend said bill by adding thereto the following section, viz:

Sec. 4. *Be it further enacted*, That the provisions of this act shall accrue to the benefit of Bacon College, at Harrodsburg, and that the trustees of said institution shall have the power to sell lottery tickets to the amount of $50,000, under the restrictions and qualifications of this act.

Mr. Linthicum moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Linthicum and Young, were as follows, viz:

Those who voted in the affirmative, were

Joshua Buster, John Eaker, Thomas P. Linthicum—3.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Camden Riley,
Hall Anderson,	Alfred Johnston,	Thomas Rouse,
Camden M. Ballard,	John C. Kouns,	Nimrod Routt,
John P. Bruce,	John W. Leathers,	Robert S. Russell,
William C. Bullock,	Beriah Magoffin,	Nathaniel P. Saunders,
Walter Chiles,	William N. Marshall,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith,
Abijah Gilbert,	Fitch Munger,	William Sterett,
Richard C. Graves,	Robert A. Patterson,	Caleb B. Wallace,
James W. Hays,	Hamilton Pope,	Thomas I. Young—31.
Elihu Hogan,		

The question was then taken on the adoption of the amendment proposed by Mr. Graves, and it was decided in the affirmative.

Ordered, That said bill be engrossed and read a third time, as amended.

Mr. Delany, from the committee on Banks, to whom was referred a bill to enable the Governor to carry into effect the provisions of the charter of the Southern Bank of Kentucky, reported the same with an amendment, which was concurred in.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Hamilton Pope,
Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Nimrod Routt,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
William C. Bullock,	John W. Leathers,	James M. Shepard,
Joshua Buster,	Thomas P. Linthicum,	Berry Smith,
Walter Chiles,	Beriah Magoffin,	Thomas J. Smith,
Sam. Daviess Delany,	William N. Marshall,	William Sterett,
John Eaker,	Daniel Morgan,	Caleb B. Wallace,
Abijah Gilbert,	Fitch Munger,	Thomas I. Young—35.
Richard C. Graves,	Robert A. Patterson,	

In the negative, none

Resolved, That the title of said bill be as aforesaid.

Mr. Gilbert, from a select committee, reported a bill for the benefit of William Williams, Clerk of Owsley county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent the following persons for the offices attached to their names:

William S. Wilson, to be Sheriff of Meade county, in place of Richard T. Anderson, resigned.

W. H. Sanford, to be Sheriff of Owen county, in place of John D. McClure, resigned.

Francis Ford, to be Sheriff of Crittenden county, in place of Joseph Hughes, deceased.

Coleman Carter, to be Sheriff of Green county, in place of Hugh Mitchell, deceased.

Joseph A. Piner, to be Sheriff of Campbell county, in place of Thomas Logan, deceased.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Bullock moved the following preamble and resolution, viz:

Whereas, the Governor of this Commonwealth has issued his proclamation fixing to-morrow, the 28th inst., as a day of public thanksgiving. Therefore,

Resolved, That when the Senate adjourns this day, it will adjourn to meet on Friday next, at 10 o'clock.

Which were adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Chiles—1. A bill to amend the second section of the revenue law of 1831, relating to licenses required to be obtained by the keepers and owners of covering horses and jacks.

On motion of Mr. Irwin—2. A bill to establish certain turnpike and plank roads, in Logan county.

The committee on Finance was directed to prepare and bring in the 1st; and Messrs. Irwin, Bruce, and Chiles, were appointed a committee to prepare and bring in the second.

Bills of the following titles came up in the orders of the day, viz:

A bill to amend the revenue laws.

A bill to amend the several acts concerning the duties of commissioners of tax.

The last bill was amended.

Ordered, That the further consideration of said bills be postponed, and made the special order for Monday, the 13th day of January next.

A message was received from the House of Representatives announcing that they had passed a bill from the Senate, entitled, an act to enable the Governor to carry into effect the provisions of the charter of the Southern Bank of Kentucky.

Bills of the following titles came up in the orders of the day, viz:

A bill to incorporate a company to construct a bridge across the Ohio river, at Louisville.

A bill to incorporate the Deposit Bank of Covington.

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The resolutions relating to the exhibition of the Planetarium of Tho. H. Barlow, at the London Industrial Exhibition, read and laid on the table on yesterday by Mr. Wallace, from the committee on Education, came up in the orders of the day.

Ordered, That the further consideration of said resolutions be postponed and made the special order of the day for Friday, the 29th inst.

Mr. Chiles read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when the General Assembly adjourns on the 21st day of December next, it will adjourn to meet again on the 6th day of January, 1851.

And then the Senate adjourned.

FRIDAY, NOVEMBER 29, 1850.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of William Milbourne, Jailer of Marion county.

2. An act to repeal part of an act to permit the citizens of Louisa to vote for or against tavern license, and for other purposes.

3. An act for the benefit of Jacob S. White, of Madison county.

4. An act for the benefit of Edmund Curd, of Calloway county.

5. An act to regulate the rate of toll at the toll gate, near the town of Paris, on the turnpike road leading from Paris to Winchester.

6. An act to authorize the location of a toll gate, near the town of Centreville, on the turnpike road from Georgetown to Paris.

7. An act for the benefit of the town of Bloomfield.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Finance; the 2d and 7th to the committee on Propositions and Grievances; the 3d and 4th to the committee on the Judiciary, and the 5th and 6th to the committee on Internal Improvement.

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Mitchellsville and Dry Creek Plank Road Company.

An act for the benefit of the Clerks of the Circuit and County Courts of this Commonwealth.

An act to amend an act, entitled, an act to amend the act to establish a Female Academy in the town of Harrodsburg, approved January 28, 1848.

An act to amend the various acts in relation to turnpike roads in the counties of Washington and Marion.

An act to enable the Governor to carry into effect the provisions of the charter of the Southern Bank of Kentucky.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Gov-

ernor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

Mr. Ballard presented the petition of sundry citizens of Trimble county, praying the passage of a law establishing another ferry across the Ohio river at Milton, which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Bullock, from the committee on the Judiciary, to whom was referred a bill appointing Commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables, reported the same with amendments.

The first section of said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following persons be, and they are hereby, appointed Commissioners in the several counties in this State—a majority of whom shall be competent to act—to lay off their respective counties into *election precincts and* districts, of convenient size, for the election of Justices of the Peace and Constables, *and other county, state, and national officers;* and said Commissioners shall receive for their services a reasonable compensation, to be allowed by the County Court of each county, at their court of claims in 1851.

One of the amendments reported by the committee on the Judiciary, proposed to amend said section by striking out all that part printed in *italics.*

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Camden Riley,
Hall Anderson,	John C. Kouns,	Thomas Rouse,
James P. Barbour,	Thomas P. Linthicum,	Robert S. Russell,
William C. Bullock,	Beriah Magoffin,	Nathaniel P. Saunders,
Walter Chiles,	William N. Marshall,	James M. Shepard,
John Eaker,	Daniel Morgan,	William Sterett,
Richard C. Graves,	Fitch Munger,	Caleb B. Wallace—23.
Elihu Hogan,	Hamilton Pope,	

Those who voted in the negative, were

Camden M. Ballard,	Abijah Gilbert,	Nimrod Routt,
John P. Bruce,	James W. Hays,	Berry Smith,
Joshua Buster,	James W. Irwin,	Thomas J. Smith,
Sam. Daviess Delany,	John W. Leathers,	Thomas I. Young—12.

The other amendments reported by the committee were then concurred in, and the bill was further amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Represenativs, entitled, an act to reduce into one, amend and digest the acts and amendatory acts incorporating the city of Lexington,

Reported the same with amendments, which were concurred in, and said bill was placed in the orders of the day.

Mr. Pope, from the same committee, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to incorporate Bedford Division, No. 159, Sons of Temperance.

An act for the benefit of Stephen Moody, of Monroe county.

An act to repeal an act, entitled, an act to reduce into one the several acts concerning the town of Cynthiana.

An act to authorize the Police Judge of Somerset to grant injunctions.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of the Clerks of the Circuit and County Courts of this Commonwealth.

An act to enable the Governor to carry into effect the provisions of the charter of the Southern Bank of Kentucky.

An act to amend the various acts in relation to turnpike roads in the counties of Washington and Marion.

An act to amend an act, entitled, an act to amend the act to establish a Female Academy in the town of Harrodsburg, approved January 28, 1848.

An act to incorporate the Mitchellsville and Dry Creek Plank Road Company. Approved November 29, 1850.

Mr. Bruce, from the committee on Internal Improvement, to whom was recommitted a bill to authorize the county of Fayette and city of Lexington to subscribe stock in railroad companies, reported the same with an amendment as a substitute for said bill.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of the county of Fayette be, and it is hereby, authorized and directed in the name and for the use of said county to subscribe stock in the following railroad companies, to-wit: the Maysville and Lexington Railroad Company, the Lexington and Danville Railroad Company, and the Covington and Lexington Railroad Company, the gross amount of six hundred thousand dollars, in equal amounts to each roailroad company of $200,000.

§ 2. That previously to the subscription of said stock, in the several companies aforesaid, the said County Court shall cause a poll to be opened, and a vote to be taken at the court house and in the several election precints of said county and wards of the city of Lexington, to take the sense of the voters of said county and city as to the expediency of subscribing said amount of six hundred thousand dollars to the capital stock of said railroad companies; and the said County Court *are* authorized, and it shall be their duty, to appoint all necessary and proper officers to conduct said election, and shall cause returns thereof to be made to the Clerk of said court within ten days after the vote is taken; and at the next meeting of the County Court after said returns are made, the said court shall examine the same, and cause the result, to-wit, the number of votes for, and the number of votes against, said subscriptions of stock, to be entered on the records of said court.

§ 3. That if at said election a majority of all the votes taken shall be in favor of said subscription of stock, it shall be the duty of said County Court to order their Clerk to subscribe, in the name of the county, to each of said railroad companies the sum of two hundred thousand dollars.

§ 4. That in payment of said stock, the said several railroad companies shall take and receive the bonds of the county of Fayette at par, payable to the said companies, in which stock is taken, or their order, thirty years after date, payable at the city of New York, bearing interest at the rate of six per cent. per annum, the said interest payble semi-annually; and it shall be the duty of said County Court to cause said bonds to be executed under the seal of said county, countersigned by the Clerk, and signed by the presiding Judge or Justice of said court, and delivered to said companies, respectively, as called for.

§ 5. The first election under this act shall be holden within ninety days after the passage thereof—and three week's notice thereof, shall be ordered by said court, and published in all the newspapers of the city of Lexington previous to said election.

§ 6. That said County Court, at the term of said court at which they order the subscription aforesaid, shall make an order of record pledging the credit of the county for the payment of the interest that may become due on said bonds, and shall, from time to time, cause a levy to be made on the real and personal property of said county (as assessed for State taxes) of such sum as may be sufficient to pay said interest, which shall be collected as other taxes are collected by the Sheriff, or other collecting officer, appointed by law to collect the State revenue, and shall be paid over to the said railroad companies, at the same time and under the same penalties, as regulate the payment or defalcations in relation to the State revenue by law.

§ 7. That each and every person who shall pay any amount under the provisions of this act, to raise the interest on the bonds aforesaid, shall be entitled to a receipt for the same, expressing in it its face that the holder thereof shall be entitled to receive stock in the railroad company to which the same shall be paid, to the amount so paid; and when any holder of such receipts shall present the same to the company to the amount of fifty dollars, he shall be entitled to a share of said stock, and a certificate thereof; and said tax receipts shall be negotiable and transferable to other persons, who shall be entitled to all the rights of the original holders.

§ 8. That the powers and duties imposed upon the County Court of the county of Fayette by this act, shall be obligatory in every respect whatever upon the Probate Court, created by the new constitution, in case that there be no County Court.

§ 9. That the County Court, or Probate Court, of the county of Fayette shall have the power, and it shall be their duty to submit the question of voting upon a subscription of stock, or of additional stock, and making said subscription in one or all of said railroads, or in any other railroad hereafter proposed to be made which makes Lexington, Kentucky, a terminus, according to the general provisions of this act, at any time hereafter: *Provided*, No one subscription shall exceed the sum of two hundred thousand dollars.

The amendment reported by the committee as a substitute for said bill, reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of the county of Fayette be, and it is hereby, authorized and directed, in the name and for the use of said county, to subscribe stock in the following railroad companies, to-wit: the Maysville and Lexington Railroad Company, the Lexington and Danville Railroad Company, and the Covington and Lexington Railroad Company, the sum of two hundred thousand dollars to each of said railroad companies.

§ 2. That, previous to the subscription of said stock in the several companies aforesaid, the said County Court shall cause a poll to be opened and a vote to be taken at the court house and in the several election precints of said county and wards of the city of Lexington, to take the sense of the voters of said county and city as to the expediency of subscribing said amount of two hundred thousand dollars to the capital stock to each of said railroad companies; and the said County Court *are* authorized, and it shall be their duty, to appoint all necessary and proper officers to conduct said election; and it shall be the duty of said officers, in conducting said election, to put the following questions to each qualified voter presenting himself at the polls, to-wit: "Do you vote for or against the Maysville and Lexington Railroad Company? Do you vote for or against the Lexington and Danville Railroad Company? Do you vote for or against the Covington and Lexington Railroad Company?" And they shall cause returns thereof to be made to the Clerk of said county within ten days after the vote is taken; and at the next meeting of the County Court, after said returns are made, the said court shall examine the same and cause the result, to-wit, the number of votes for and the number of votes against said subscription of stock to the several roads named, to be entered on the records of said court.

§ 3. That if, at said election, a majority of all the votes taken shall be in favor of said subscription of stock, it shall be the duty of said County Court to order their Clerk to subscribe, in the name of the county, to each of said railroad companies obtaining a majority of the votes polled, the sum of two hundred thousand dollars.

§ 4. That, in payment of said stock, the several railroad companies shall take and receive the bonds of the county of Fayette at par, payable to the said companies in which stock is taken, or their order, thirty years after date, payable at the city of New York, bearing interest at the rate of six per cent. per annum, the said interest payable semi-annually; and it shall be the duty of said County Court to cause said bonds to be executed under the seal of said county, countersigned by the Clerk, and signed by the presiding Judge or Justice of said court, and delivered to said companies, respectively, as called for.

§ 5. The first election under this act shall be holden within ninety days after the passage thereof, and three week's notice thereof shall be ordered by said court and published in all the newspapers of the city of Lexington previous to said election.

§ 6. That the subscription of stock, above named, shall be subscribed to the several railroads obtaining a majority of the votes polled, as above named, and shall be made upon the following conditions, to-wit: that the Maysville and Lexington Railroad shall run the most southern surveyed route to Lexington, and the Lexington and Danville Railroad the shortest and most practicable route from Lexington to Danville, and the Covington and Lexington Roailroad the most direct and practicable route from Cynthiana to Lexington.

§ 7. That the said County Court, at the term of said court at which they order the subscription, aforesaid, shall make an order of record pledging the credit of the county for the payment of the interest that may become due on said bonds; and shall, from time to time, cause a levy to be made on the real and personal property of said county (as assessed for State taxes) of such sums as may be sufficient to pay said interest, which shall be collected as other taxes are collected by the Sheriff, or other collecting officer, appointed by law to collect the State revenue, and shall be paid over to the said railroad companies, at the same time and under the same penalties, as regulate the payment or defalcation in relation to the State revenue by law.

§ 8. That each and every person who shall pay any amount under the provisions of this act to raise the interest on the bonds, aforesaid, shall be entitled to a receipt for the same, expressing on its face that the holder thereof shall be entitled to receive stock in the railroad company, to which the same shall be paid, to the amount so paid; and when any holder of such receipts shall present the same to the company to the amount of fifty dollars, he or she shall be entitled to a share of said stock, and a certificate thereof; and said tax receipts shall be negotiable and transferable to other persons, who shall be entitled to all the rights of the original holders.

§ 9. That the powers and duties imposed on the County Court of the county of Fayette, by this act, shall be obligatory in every respect whatever upon the Probate Court, created by the new constitution, in case that there be no County Court.

§ 10. That the County Court or Probate Court of the county of Fayette shall have the power, and it shall be their duty, to submit the question of voting upon a subscription of stock, or of additional stock, and making said subscription in one or all of said railroads, or in any other railroads, hereafter proposed to be made, which makes Lexington, Kentucky, a terminus, according to the general provisions of this act, at any time hereafter when called on by any organized railroad company: *Provided*, No one subscription shall exceed the sum of two hundred thousand dollars.

Mr. Wallace moved to amend said substitute by adding the following, in the second section, viz:

"Or do you vote for the said three railroads jointly?"

And the question being taken on the adoption of said amendment to the substitute, it was decided in the affirmative.

The question was then taken on the adoption of said substitute, as amended, in lieu of the original bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wallace and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Hamilton Pope,
Camden M. Ballard,	James W. Irwin,	Camden Riley,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Nimrod Routt,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	James M. Shepard,
Abijah Gilbert,	William N. Marshall,	William Sterett,
Richard C. Graves,	Fitch Munger,	Thomas I. Young—25.
James W. Hays,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Berry Smith,
John P. Bruce,	Daniel Morgan,	Thomas J. Smith,
John Eaker,	Robert S. Russell,	Caleb B. Wallace—9.

Mr. Leathers moved to refer said bill, as amended, to the committee on the Judiciary.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. E. Hogan and Young, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John W. Leathers,	Robert S. Russell,
Camden M. Ballard,	William N. Marshall,	James M. Shepard,
James P. Barbour,	Camden Riley,	Berry Smith,
James W. Irwin,	Thomas Rouse,	Caleb B. Wallace—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Fitch Munger,
John P. Bruce,	James W. Hays,	Hamilton Pope,
William C. Bullock,	Elihu Hogan,	Nimrod Routt,

Joshua Buster,	Alfred Johnston,	Nathaniel P. Saunders,
Walter Chiles,	John C. Kouns,	Thomas J. Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	William Sterett,
John Eaker,	Beriah Magoffin,	Thomas I. Young—23.
Abijah Gilbert,	Daniel Morgan,	

Mr. Bruce moved to amend said bill by adding, to the third section, the following, viz:

"And if a majority of all the votes cast are in favor of the three roads *jointly*, the subscriptions shall be made in equal amounts to each of the above named roads, any vote in favor of or against any one of said roads to the contrary notwithstanding."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, as amended, and that the title thereof be as aforesaid.

Two messages, in writing, was received from the Governor by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said messages was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent

Wardale G. McAllister, to be Commissioner of Deeds for Pennsylvania, (Philadelphia.)

Albert G. Waggener, to be Sheriff of Cumberland county, in the place Joel Owsley, who refuses to qualify.

George Carter Blakemore, to be Commissioner of Deeds, &c., for Virginia, (Clarke county.)

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

EXECUTIVE DEPARTMENT,
FRANKFORT, Nov. 29, 1850.

Gentlemen of the Senate, and
House of Representatives:

I have the honor to transmit herewith a copy of the preamble and resolutions adopted by the Constitutional Convention of the State of Indiana, in relation to the death of our lamented fellow-citizen, Col. Richard M. Johnson.

JOHN L. HELM.

INDIANAPOLIS, INDIANA,
November 25, 1850.

His Excellency, John L. Helm,
Governor of the State of Kentucky:

I have the honor to transmit herewith a copy of the preamble and resolutions this day adopted by the Constitutional Convention of this State, in relation to the death of one of Kentucky's distinguished sons—the lamented Johnson.

Very respectfully,

WM. H. ENGLISH, *Sec. C. C.*

Whereas, this Convention has just learned, with profound sensibility, that the Hon. Richard M. Johnson, of Kentucky, late Vice President of the United States, has recently, and whilst engaged in the service of his native State, as a member of the General Assembly thereof, departed this life: and, whereas, the numerous long continued public services of that distinguished patriot and soldier, as well in the councils of his country as in the tented field, constitutes him the common property of the whole country, and justly entitle his memory to the grateful notice of the people of this State, in common with the rest of his fellow-citizens of the Union, and more especially when it is remembered that a part of the services rendered by him, whilst engaged in the defence of his country in the war of 1812 against Great Britain and her savage allies, were performed upon the soil of Indiana, when an infant defenceless Territory, in defending our helpless women and children against the relentless tomahawk and scalping knife of the ruthless savage.

Resolved, That we recognize in Col. Johnson the gallant soldier, the devoted patriot, and sound able statesman. That among the long list of his public acts whilst engaged in the National Councils, his zealous efforts in favor of abolishing imprisonment for debt, together with his masterly Sunday mail report, will remain as imperishable monuments of his profound statesmanship, so long as the sufferings of the oppressed, down-trodden debtor find sympathy in the human bosom, or the cause of liberal principles has an advocate.

Resolved, That whilst cherishing a just sense of gratitude toward this distinguished citizen for his many important public services, rendered in behalf of his country during the course of a long public life, as the able, faithful statesman and brave soldier, we most sincerely condole with his numerous friends and relatives in the irreparable bereavement they have sustained in the loss of an affectionate and devoted friend, and with our sister State, Kentucky, in being thus deprived of his valuable services in her public councils.

Resolved, That Messrs. Thornton, Pepper, of Ohio, and Rariden, be appointed a committee on the part of this Convention, to tender to the relatives of Col. Johnson, the expression of our heartfelt condolence on the melancholy occasion; and that the Secretary of this Convention transmit to the Executive of the State of Kentucky, a copy of the foregoing preamble and resolutions.

Resolved, That the editors of the several newspapers in this State, be requested to publish the foregoing in their papers respectively.

Ordered, That the Public Printer print 150 copies of said message for the use of the General Assembly.

Mr. Shepard moved the following resolutions, viz:

Resolved, That the General Assembly of Kentucky do appreciate the kind and patriotic feelings which prompted the members of the Convention of the State of Indiana to condole with Kentucky in the loss which she has sustained in the death of our fellow-citizen, Col. Richard M. Johnson, and feel that their resolutions are but another proof that "Republics are not always ungrateful."

Resolved, That a committee of three on the part of the Senate, and five on the part of the House of Representatives, be appointed to communicate with the Governor of Indiana, acknowledging the receipt of

the foregoing resolutions, and transmitting a copy of the foregoing to the Executive of Indiana.

Which were unanimously adopted.

And then the Senate adjourned.

SATURDAY, NOVEMBER 30, 1850.

A message was received from the House of Representatives announcing that they had concurred in the amendments proposed by the Senate to bills from that House, of the following titles, viz:

An act for the benefit of the Common School Commisioners, of Monroe county.

An act to incorporate the Elizaville and Helena Turnpike Road Company.

An act to run and re-mark the dividing line between the counties of Butler and Edmonson.

That they had concurred in resolutions, and passed bills from the Senate, of the following titles, viz:

Resolution in relation to the funeral discourse delivered on the death of Col. Richard M. Johnson.

Resolution directing an examination into the condition of Transylvania University.

An an act to incorporate the Flemingsburg and Upper Fox Springs Turnpike Road Company.

An act to establish a Police Court in the town of Hardinsburg.

An act to authorize and require the Trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order.

An act to incorporate the Hawesville Cemetery Company.

An act for the benefit of Funk Seminary and Masonic University, at Lagrange.

An act for the benefit of William Williams, Clerk of Owsley county.

That they had passed bills of the following titles, viz:

1. An act for the benefit of William Loewenthal.
2. An act for the benefit of William Harman.
3. An act for the benefit of David Howell, and others.
4. An act for the benefit of John Taylor Crook, of Mason county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, and 3d, to the committee on Finance; and the 4th to the committee on the Judiciary.

Mr. Rouse presented the petition of sundry citizens of the town of Ghent, in Carroll county, praying the passage of a law to authorize the Trustees of said town to convey certain lots, which was received, the reading thereof dispensed with, and referred to the committee on the Judiciary.

Mr. Bruce, from the committee on Internal Improvement, to whom was referred a bill from the House of Representntives, entitled, an act to incorporate the Louisa, Paintsville, Prestonsburg, and Pikeville, Turnpike Road Company, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Barbour, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act to incorporate Cumberland Lodge, No. 149.

An act for the benefit of William Slusher.

An act to authorize the Clerk of the Ohio County Court to transcribe and index certain records in his office.

An act for the relief of Francis Hillary.

An act to incorporate Boone Lodge, No. 1, Independent Order of Odd Fellows, Louisville.

An act to incorporate the Maxwell Spring Company, at Lexington.

An act better to define the lines between the counties of Pike, Floyd, Lawrence, and Johnson.

An act for the benefit of Samuel Haycraft.

An act for the benefit of the Trustees of School District, No. 3, in Todd county.

And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr Barbour reported that the committee had performed that duty.

Mr. Eaker, from the committee on Finance, reported a bill to author-

ize the arranging and transcribing certain books in the Auditor's and Treasurer's offices, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was placed in the orders of the day.

Mr. Buster from the joint committee on the Library, made the following report, viz:

The committee on the Library having been instructed by joint resolution to inquire "whether or not there be a State Librarian, the present condition of the State Library, and what action, if any they deem necessary in the premises"—have had the resolution under consideration, and made the required investigation: We ask leave to report that Mr. Richard Harlan, the State Librarian, was duly elected at the last session of the Legislature, and now has charge of the Library. We found the Library in good condition, and no further action at present, in the opinion of the committee, is deemed necessary.

JOSHUA BUSTER, *Chm. S. Com.*
T. S. GRUNDY, *Chm. H. R. Com.*

Which was concurred in.

The Speaker appointed Messrs. Shepard and Kouns as the committee on the part of the Senate to communicate with the Rev. Stuart Robinson and solicit, for publication, a copy of the discourse delivered by him at the funeral of Col. Richard M. Johnson.

Leave was given to bring in the following bills, viz:

On motion of Mr. Rouse—1. A bill to amend the charter of the Ghent and Eagle Creek Turnpike Road Company.

On motion of Mr. Bruce—2. A bill to appoint Commissioners to ascertain the boundaries of the town of Boston, in Whitley county, and for other purposes.

The committee on Internal Improvement was directed to prepare and bring in the 1st, and the committee on the Judiciary the 2d.

Mr. Eaker presented to the Senate the response of the Second Auditor to certain questions propounded to him, which is as follows, viz:

JOHN EAKER, ESQ, *of the Senate:*

SIR: To the questions propounded to me, I beg leave to present the answers herewith annexed, viz:

QUESTION 1. What is the whole amount of Sheriffs' commissions for collecting the revenue of 1849?

ANSWER, - - - - - - - - - - - - $33,763 33

QUESTION 2. What would the commission on the same year's revenue amount to at 7½ per cent. on the first $1,000, and 4 per cent. on the balance?

ANSWER, - - - - - - - - - - - - 25,580 39

Difference, - - - - - - - - - - - $8,182 94

QUESTION 3. What is the total amount of revenue for 1849, charged to the 10 smallest counties in the State, and Sheriffs' commission?

ANSWER.

Letcher,	$304 99
Perry,	507 94
Breathitt,	772 99
Harlan,	685 41
Johhson,	639 28
Laurel,	858 96
Marshall,	823 08
Owsley,	853 32
Whitley,	910 85
Edmonson,	862 34
Total,	$7,219 16
Commission on same,	541 43

QUESTION 4. What is the total amount of revenue chargeable to the 10 largest counties for the year 1849, and Sheriffs' commission?

ANSWER.

Jefferson,	$56,114 94
Bourbon,	21,778 91
Fayette,	35,104 27
Mason,	16,710 75
Kenton,	12,746 38
Madison,	16,209 15
Woodford,	13,486 84
Scott,	13,721 22
Shelby,	16,956 40
Clarke,	12,994 31
Total,	$215.823 17
Sheriff's commission,	11,546 18

QUESTION 5. What is the total amount of revenue paid by the ten largest tax payers for the year 1849, the tax on same, and Sheriffs' commission?

ANSWER. The ten largest tax payers are as follows:

John I. Jacob, Louisville,	$422,122
Thomas Smith, of Henry county,	287,750
Robert Wickliffe, sr., Lexington,	311,910
James Guthrie, Louisville,	242,813
John W. Hunt, Lexington,	275,350
Richard Southgate, Campbell county,	290,170
Louisville and Portland Canal Company,	1,000,000
John Brand, Lexington,	182,750
Gen. James Taylor's heirs,	177,620
Levi Tyler & Son, Louisville,	155,836
Total,	$3,346,321

Tax on the above $3,346,321 is $6,358—commission, $392 90.

QUESTION 6. What is the whole number of lists in Fayette, Bourbon, and Jefferson counties, and the average pay per list for collecting the revenue in said counties, taking the Sheriffs' commission as the basis?

ANSWER.

No of lists for 1849.		Rates per list.	Commissions.
Fayette, - - - -	3,563	over 51 5-10 cents,	$1,838 01
Bourbon, - - - -	2,760	over 41 9-10 cents,	1,153 75
Jefferson, - - - -	11,361	over 23 4-10 cents,	2,781 35

QUESTION 7. What is the whole number of lists in Letcher, Harlan, and Johnson counties, and the average pay per list for collectiug the revenue in said counties, taking the Sheriffs' commission as the basis?

ANSWER.

No of lists, 1849.		Rates per list.	Commissions.
Letcher, - - - -	428	over 5 3-10 cents,	$22 87
Harlan, - - - -	758	over 6 7-10 cents,	51 40
Johnson, - - - -	775	over 6 1-10 cents,	47 85

Very respectfully, THO. S. PAGE, *2d Auditor.*

AUDITOR'S OFFICE,
Frankfort, Nov. 19, 1850.

Ordered, That the Public Printer print 150 copies of said response for the use of the General Assembly.

A bill to equalize the compensation for the collection of the revenue tax, came up in the orders of the day.

Amendments were proposed thereto by Messrs. Bruce and Sterett.

Ordered, That said bill and amendments be recommitted to the committee on Finance.

The resolutions relating to the exhibition of the Planetarium of Thomas H. Barlow at the London Industrial Exhibition, read and laid on the table by Mr. Wallace, from the committee on Education, on the 26th inst., came up in the orders of the day.

And the question being taken on the adoption of said resolutions, it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Robert A. Patterson,
Camden M. Ballard,	Alfred Johnston,	Hamilton Pope,
William C. Bullock,	John C. Kouns,	Camden Riley,
Walter Chiles,	John W. Leathers,	Nimrod Routt,

John Eaker, Beriah Magoffin, James M. Shepard,
James W. Hays, Daniel Morgan, Thomas J. Smith,
Elihu Hogan, Fitch Munger, Caleb B. Wallace—21.

Those who voted in the negative were,

Hall Anderson, Abijah Gilbert, Robert S. Russell,
James P. Barbour, Thomas P. Linthicum, Berry Smith,
John P. Bruce, William N. Marshall, William Sterett,
Joshua Buster, Thomas Rouse, Thomas I. Young—13.
Sam. Daviess Delany,

An engrossed bill, entitled, an act for the benefit of Henry Academy, and Henry Female College, came up in the orders of the day.

Ordered, That said bill be recommitted to the committee on Education.

A bill for the benefit of the mechanics of Hardin county, came up in the orders of the day.

Ordered, That said bill be engrossed and read a third time, as amended.

A bill from the House of Representatives, entitled, an act to reduce into one, amend and digest the acts and amendatory acts incorporating the city of Lexington, came up in the orders of the day.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

The resolution providing for a recess of the General Assembly, read and laid on the table by Mr. Chiles, on the 27th inst., was taken up.

The resolution was amended by fixing Friday the 20th of December, at 12 o'clock, M., as the day and time for the recess.

Said resolution, as amended, was then twice read and adopted.

Mr. Wallace, from the committee on Education, to whom was recommitted a bill for the benefit of Henry Academy, and Henry Female College, reported the same with an amendment, which was concurred in.

Ordered, That said bill be re-engrossed and read a third time.

The constitutional provision as to the third reading of said bill be being dispensed with, and the same being re-engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Shepard, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) James W. Irwin, Fitch Munger,
Hall Anderson, Alfred Johnston, Robert A. Patterson,

Camden M. Ballard,	John C. Kouns,	Hamlton Pope,
William C. Bullock,	John W. Leathers,	Camden Riley,
Walter Chiles,	William N. Marshall,	Nimrod Routt,
Sam. Daviess Delany,	Daniel Morgan,	Robert S. Russell—19.
Elihu Hogan,		

Those who voted negative, were

James P. Barbour,	Thomas P. Linthicum,	Berry Smith,
John P. Bruce,	Thomas Rouse,	William Sterett,
Joshua Buster,	Nathaniel P. Saunders,	Caleb B. Wallace,
John Eaker,	James M. Shepard,	Thomas I. Young—13.
Abijah Gilbert,		

Resolved, That the title of said bill be as aforesaid.

And then the Senate adjourned.

MONDAY, DECEMBER 2, 1850.

A message was received from the House of Representatives announcing that they had adopted a resolution to add Benjamin L. Owens to the committee to visit the Lunatic Asylum.

Which resolution was twice read and concurred in.

That they had passed bills of the following titles, viz:

1. An act for the benefit of Charles Rice, of Carter county.
2. An act to extend the limits of the town of Proctor.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred to the committee on the Judiciary.

Mr. Pope, from the committee on the Judiciary, to whom were referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Jacob S. White, of Madison county.

An act for the benefit of the Trustees of Washington.

An act for the benefit of Edmund Curd, of Calloway county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee, reported a bill to amend an act to regulate ferries, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Morgan, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the town of Flemingsburg.

An act to abolish the stray pen in Pulaski county.

An act to change the lines of Perry and Clay counties.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the committee on Agriculture and Manufactures, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Kentucky Agricultural and Mechanical Association, at Lexington, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to authorize the location of a toll gate, near the town of Centreville, on the turnpike road from Georgetown to Paris.

An act to regulate the rate of toll at the toll gate, near the town of Paris, on the turnpike road leading from Paris to Winchester.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent

A. S. Dabney, to be Notary Public for the county of Trigg.

Fred. Wise, to be Notary Public for the county of Kenton.

December 2, 1850. JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

On motion of Mr. Routt, leave was given to bring in a bill for the benefit of Edward Artsman, of Bracken county; and Messrs. Routt, Kouns, and Munger, were appointed a committee to prepare and bring in the same.

Mr. Linthicum moved the following resolution, viz:

Resolved, That the reporter, admitted to a seat on the floor of the Senate, be requested (while he occupies that seat as a reporter to the Senate) to report the names of Senators who advocate and those who oppose the passage of any measure, and also to report the yeas and nays whenever they are called.

Ordered, That said resolution be laid on the table for the present.

Mr. Barbour moved the following resolution, viz:

Resolved, That the committee on Education be directed to take into consideration the propriety of so amending the laws in relation to Common Schools, as to provide that the school ages hereafter in said schools, shall extend from the ages of 7 to 18 years, inclusive, instead of 5 to 16, as it now is, and report by bill or otherwise.

Which was adopted.

Mr. Bruce moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of repealing all laws licensing ten pin alleys.

Which was adopted.

Mr. Pope read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That Camden M. Ballard be added to the joint committee appointed to visit the Blind Institution, and Marine Hospital, at Louisville.

The rule of the Senate requiring a joint resolution to lie one day on the table, being dispensed with, said resolution was taken up, twice read, and adopted.

Mr. Patterson moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the fact, whether or not the present General Assembly has the power, under the constitution, to establish the thirteenth Circuit Court Judicial District, and report their opinion to the Senate.

Which was adopted.

The Senate, according to order, resolved itself into a committee of the whole on the state of the Commonwealth, Mr. Leathers in the chair; after some time spent therein, the Speaker resumed the chair, when Mr. Leathers reported that the committee had, according to order, had under consideration a bill to divide the State into twelve Circuit Court Judicial Districts, and had instructed him to report the same to the Senate, with an amendment, which he handed in at the Clerk's table.

Mr. Barbour moved an amendment as a substitute for said bill.

Mr. Irwin also moved an amendment as a substitute for said bill.

Ordered, That said bill and amendments be recommitted to the committee on Circuit Courts, and that the Public Printer print 150 copies of the substitute, proposed by Mr. Barbour, for the use of the General Assembly.

On motion of Mr. Morgan,

Ordered, That a message be sent to the House of Representatives, requesting the appointment of a committee on their part, to act in conjunction with a committee on the part of the Senate, to wait on the Governor and ask leave to withdraw an enrolled bill which originated in the House of Representatives, entitled, an act better to define the lines between the counties of Pike, Floyd, Lawrence, and Johnson.

Ordered, That Mr. Morgan inform the House of Representatives thereof.

After a short time a message was received from the House of Representatives announcing the appointment of a committee on their part.

Whereupon, Mr. Morgan was appointed a committee on the part of the Senate.

After a short time Mr. Morgan reported that the joint committee had performed the duty assigned them, and had withdrawn the bill, and returned it to the House of Representatives.

Mr. Morgan moved that a message be sent to the House of Representatives, asking leave to withdraw the report of the Senate announcing the passage of said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Young and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
Hall Anderson,	Elihu Hogan,	Hamlton Pope,
James P. Barbour,	James W. Irwin,	James M. Shepard,
William C. Bullock,	Thomas P. Linthicum,	William Sterett,
Walter Chiles,	Daniel Morgan,	Caleb B. Wallace—16.
Sam. Daviess Delany,		

Those who voted negative, were

John P. Bruce,	John C. Kouns,	Nimrod Routt,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
John Eaker,	Robert A. Patterson,	Berry Smith,
Abijah Gilbert,	Thomas Rouse,	Thomas I. Young—13.
Alfred Johnston,		

Mr. Morgan was directed to bear said message, and after a short time, said bill was returned to the Senate.

And then the Senate adjourned.

TUESDAY, DECEMBER 3, 1850.

Mr. Patterson presented the petition of John F. Kelly, of Caldwell county, praying the passage of a law exempting the owners of iron works or furnaces, who keep two miles of a county road in repair at their own expense, from working on any other road, which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

The votes passing and ordering to a third reading a bill from the House of Representatives, entitled, an act better to define the lines between the counties of Pike, Floyd, Lawrence, and Johnson, were reconsidered, and said bill was recommitted to the committee on Propositions and Grievances.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Cumberland county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The committee on Finance was discharged from the further consideration of the leave to them referred to bring in a bill to amend the second section of the revenue laws of 1831, relating to licenses required to be obtained by the keepers and owners of covering horses and jacks.

Mr. Routt from a select committee, reported a bill for the benefit of Edward Artsman, of Bracken county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Sterett moved the following resolution, viz:

Resolved, That the Second Auditor be requested to furnish the Senate, for the use of the select committee on the apportionment, with the original or certified copy of the returns to his office by the County Court Clerks of the additional number of qualified voters in each county.

Which was adopted.

On motion of Mr. Leathers, leave was given to bring in a bill to fix the time for the election of Mayor of the city of Covington, and Messrs. Leathers, Rouse, and Patterson, were appointed a committee to prepare and bring in the same.

An engrossed bill, entitled, an act for the benefit of the mechanics of Hardin county, was read a third time.

Said bill was amended by way of engrossed ryder, and recommitted to the committee on the Judiciary.

A bill to authorize the arranging and transcribing certain books in the Auditor's and Treasurer's offices, was taken up, and recommitted to the committee on Finance.

A bill to amend an act to regulate ferries, came up in the orders of the day.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 4, 1850.

A message was received from the House of Representatives announcing that they had passed bills from the Senate, of the following titles viz:

An act for the benefit of Henry J. Meade.

An act to incorporate a company to construct a bridge across the Ohio river, at Louisville.

An act to incorporate the Maysville and Big Sandy Railroad Company.

An act appointing Commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

1. An act to amend the several acts incorporating the Versailles and Midway Turnpike Road Company.

2. An act to amend the revenue laws.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Internal Improvement; and the 2d to the committee on Finance.

1. Mr. T. J. Smith presented the petition of Hayton Lindsey, of Edmonson county, praying the passage of a law authorizing him to build a dam across Nolin creek.

2. Mr. Saunders presented the remonstrance of sundry citizens of Bullitt county, against the formation of a new county out of parts of Hardin, Meade, Jefferson, and Bullitt counties.

Which petition and remonstrance were received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Taylor Crook, of Mason county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, to whom was referred leave to bring in a bill to appoint Commissioners to ascertain the boundaries of the town of Boston, in Whitley county, and for other purposes, asked to be discharged from the further consideration thereof, which was granted, and Messrs. Bruce, Gilbert, and B. Smith, were appointed a committee to prepare and bring in the same.

Mr. Pope, from the same committee, made the following report, viz

The Judiciary committee, to whom was referred the resolution "to inquire into the fact whether or not the present General Assembly have the power under the constitution to establish the 13th Judicial District," beg leave to report:

That they have given the subject their mature consideration, and find and believe that the present General Assembly has not the power under the constitution to establish the district alluded to.

They do not feel warranted by the resolution to present an argument to the Senate, but simply the judgment of the committee upon the question referred to them.

HAMILTON POPE, *Chm. J. C.*
W. C. BULLOCK,
JAMES W. HAYS,
FITCH MUNGER.

Ordered, That said report be laid upon the table for the present.

Mr. T. J. Smith, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Presbyterian Church in Mountsterling, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Harman, reported the same without amendment.

Mr. Delany moved an amendment as a substitute for said bill, which was adopted.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Loewenthal, reported the same without amendment.

Said bill reads as follows, viz:

Whereas, it is represented to this General Assembly that, in the month of July last, William Loewenthal paid to the Clerk of the Hopkins County Court twenty dollars for the privilege of selling goods in said county, as a peddler or itinerant merchant, for the term of one year; but, in consequence of continued bad health, has been prevented from availing himself of the benefit of said privilege. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be, and he is hereby, directed to issue his warrant on the treasury, in favor of said William Loewenthal, for the sum of twenty dollars.

And the question being taken on reading said bill a third time, it was decided in the negative. So the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Hays and Wallace, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Sam. Daviess Delany,	Fitch Munger,
Hall Anderson,	John Eaker,	Camden Riley,
James P. Barbour,	Alfred Johnston,	Nimrod Routt,
John P. Bruce,	Beriah Magoffin,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	Thomas I. Young—15.

Those who voted in the negative, were

Camden M. Ballard,	John C. Kouns,	Nathaniel P. Saunders,
William C. Bullock,	John W. Leathers,	James M. Shepard,
Joshua Buster,	Thomas P. Linthicum,	Berry Smith,
Richard C. Graves,	William N. Marshall,	Thomas J. Smith,
James W. Hays,	Robert A. Patterson,	William Sterett,
Elihu Hogan,	Thomas Rouse,	Caleb B. Wallace—19.
James W. Irwin,		

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary, a bill for the benefit of the town of Ghent, in Carroll county.

By Mr. Bruce, from the committee on Internal Improvement, a bill to amend the charter of the Ghent and Eagle Creek Turnpike Road Company.

By Mr. Leathers, from a select committee, a bill fixing the time for holding the charter election for the city of Covington.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Ballard, leave was given to bring in a bill to charter the New Castle and Campbellsburg Turnpike Road Company; and the committee on Internal Improvement was directed to prepare and bring in the same.

Mr. Wallace read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Rev. R. J. Breckinridge, Superintendent of Public Instruction, be requested to deliver an address on Thursday evening next, (5th inst.,) at 7 o'clock, in the Hall of the House of Representatives, upon the subject of Education and Common Schools.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up, twice read, and adopted.

Ordered, That the motion of Mr. Patterson to re-consider the vote rejecting the resolution of instruction to the committee on Banks, be made the special order of the day for Monday next, the 9th inst.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act appointing Commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables, were taken up.

Resolved, That the Senate disagree to the eighth, ninth, and thirty-third, and concur in the remainder of said amendments, with amendments to the third, fourth, tenth, sixteenth, twenty-sixth, thirty-fourth, forty-fifth, forty-sixth, sixty-third, sixty-fourth, seventy-eighth, and eightieth amendments.

And then the Senate adjourned.

THURSDAY, DECEMBER 5, 1850.

A message was received from the House of Representatives announcing that they had concurred in resolutions from the Senate of the following titles, viz:

Resolutions in relation to the action of the Indiana Convention concerning the death of Col. Richard M. Johnson.

Resolution providing for a recess of the General Assembly.

Resolution inviting the Rev. R. J. Breckinridge to deliver an address on Education and Common Schools.

With an amendment to the last resolution, which amendment was concurred in.

That they had passed bills from the Senate of the following titles, viz:

An act to incorporate the Deposit Bank of Covington.

An act for the benefit of Henry Academy, and Henry Female College.

That they had passed bills of the following titles, viz:

1. An act for the benefit of East Maysville and Railroad Company.
2. An act to incorporate the Maysville and Bull Creek Plank Road Company.
3. An act for the benefit of Pulaski County Seminary.
4. An act for the benefit of School District, No. 8, Kenton county.

5. An act to incorporate the Frankfort Female College.

Which bills were read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 2d were referred to the committee on Internal Improvement; and the 3d, 4th, and 5th, to the committee on Education.

Mr. Bullock, from the committee on the Judiciary, to whom were referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Charles Rice, of Carter county.

An act to extend the limits of the town of Proctor.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bullock, from the same committee, to whom was referred a resolution of inquiry into the expediency of repealing all laws licensing ten pin alleys, asked to be discharged from the further consideration thereof, which was granted, and it was referred to the committee on Finance.

Mr. Bullock, from the committee on County Courts, to whom was referred a bill from the House of Representatives, entitled, an act to increase the terms of the Campbell County Court, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the several acts incorporating the Versailles and Midway Turnpike Road Company, reported the same without amendment.

Ordered, That said bill be read a second time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, reported a bill for the benefit of William R. Gough, of Graves county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the same committee, to whom was referred a resolution of inquiry into the propriety of repealing the law authorizing a specific tax on gold spectacles, watches, &c., asked to be discharged from the further consideration thereof, which was granted, and it was referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—1. A bill providing for the publication of sales made by order of courts and public officers.

On motion of Mr. Russell—2. A bill to extend the limits of the town of Greenville.

On motion of Mr. Magoffin—3. A bill to incorporate the Greenville Institute.

On motion of Mr. Barbour—4. A bill to incorporate a company to construct a Turnpike Road from Springfield to intersect the Perryville and Lebanon road.

On motion of Mr. Irwin—5. A bill to provide for a Geological survey of the State.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Propositions and Grievances the 2d; the committee on Education the 3d; the committee on Internal Improvement, the 4th; and Messrs. Irwin, Bruce, and Graves, were appointed a committee to prepare and bring in the 5th.

Mr. B. Smith moved the following resolution, viz:

Resolved, That the committee on Finance be requested to examine the constitution—6th article, 11th section—in relation to County Assessors and report by bill or otherwise, if necessary, so as to authorize the County Courts to appoint Assessors for the year 1851, as it will be too late to assess the taxable property for the year 1851 after the May election.

Which was adopted.

And then the Senate adjourned.

FRIDAY, DECEMBER 6, 1850.

Mr. E. Hogan presented a memorial from the Mayor and Council of the city of Lexington, praying the passage of a law allowing them to pay only three thousand dollars of the old debt of said city during the next year, which was received, read, and referred to the committee on the Judiciary.

Mr. Irwin, from the oommittee on County Courts, reported a bill to provide for the election of Justices of the Peace and Constables in this Commonwealth, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Chiles from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to amend the revenue laws, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended by adding "by increasing the tax on nine and ten pin alleys."

Mr. Chiles, from the same committee, to whom was referred a bill to authorize the arranging and transcribing certain books in the Auditors' and Treasurer's offices, reported the same without amendment.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the First and Second Auditors be allowed until the meeting of the next Legislature to arrange and transcribe certain books and papers in the Auditors' and Treasurer's offices, as contemplated by an act of the General Assembly, approved 27th February, 1849—chapter 554—and of the same title as this bill.

And the question being taken on engrossing said bill, and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Robert A. Patterson,
Joshua Buster,	John C. Kouns,	Hamilton Pope,
Walter Chiles,	John W. Leathers,	Thomas Rouse,
Sam. Daviess Delany,	Thomas P. Linthicum,	Robert S. Russell,
John Eaker,	Beriah Magoffin,	James M. Shepard—17.
Abijah Gilbert,	Daniel Morgan,	

Those who voted negative, were

Hall Anderson,	Richard C. Graves,	Nathaniel P. Saunders,
Camden M. Ballard,	Elihu Hogan,	Berry Smith,
James P. Barbour,	James W. Irwin,	William Sterett,
John P. Bruce,	Alfred Johnston,	Caleb B. Wallace,
William C. Bullock,	Nimrod Routt,	Thomas I. Young—15.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

And the question was taken on the passage of said bill, and it was decided in the negative. So the said bill was rejected.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Robert A. Patterson,
Joshua Buster,	John C. Kouns,	Hamilton Pope,
Walter Chiles,	Thomas P. Linthicum,	Thomas Rouse,
Sam. Daviess Delany,	Beriah Magoffin,	Robert S. Russell,
John Eaker,	Daniel Morgan,	James M. Shepard—16.
Abijah Gilbert,		

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Nathaniel P. Saunders,
Camden M. Ballard,	James W. Irwin,	Berry Smith,
James P. Barbour,	Alfred Johnston,	William Sterett,
John P. Bruce,	John W. Leathers,	Caleb B. Wallace,
William C. Bullock,	Nimrod Routt,	Thomas I. Young—16.
Richard C. Graves,		

Mr. Chiles, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Milbourne, Jailer of Marion county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the same committee, reported a bill for the benefit of Col. Edward Brooks, of the State of Michigan, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Robert A. Patterson,
Hall Anderson,	James W. Hays,	Hamilton Pope,
Camden M. Ballard,	Elihu Hogan,	Camden Riley,
James P. Barbour,	James W. Irwin,	Nimrod Routt,
John P. Bruce,	Alfred Johnston,	Robert S. Russell,
William C. Bullock,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	John W. Leathers,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	William Sterett,
John Eaker,	Daniel Morgan,	Caleb B. Wallace,
Abijah Gilbert,	Fitch Munger,	Thomas I. Young—33.

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. Wallace, from the committee on Education, to whom was referred a bill for the benefit of Common Schools, reported the same without amendment.

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Barbour, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of School District, No. 8, in Kenton county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent

M. G. Horton, to be Sheriff of Owsley county in the place of William Clark, who refuses to qualify.

Jos. W. Sawtelle, to be Notary Public for Jefferson county.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

On motion of Mr. Irwin,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the report of the concurrence of the Senate in

the passage of a bill from that House, entitled, an act for the benefit of Charles Rice, of Carter county.

Mr. Irwin was appointed to bear said message, and after a short time, returned with said bill.

Mr. Pope moved to reconsider the votes by which said bill was passed and ordered to be read a third time.

Ordered, That the further consideration of said motion be postponed for the present.

A message, in writing, was received from the Governor by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, Dec. 6, 1850.

Gentlemen of the Senate
and House of Representatives:

I transmit herewith a copy of the preamble and resolutions in favor of the acts of the last session of the present Congress of the United States, known as the compromise measures, which preamble and resolutions were passed by the Convention of Indiana, and by the Secretary of that body transmitted to this department. JOHN L. HELM.

INDIANAPOLIS, INDIANA,
December 3, 1850.

SIR: I have the honor to transmit herewith a copy of a preamble and resolutions this day adopted by the Delegates of the people of the State of Indiana, assembled in Convention to take into consideration the organic law said State.

Very respectfully, WM. H. ENGLISH,
Secretary of said Con.

To his Excellency, the Governor of Kentucky.

Whereas, the Congress of the United States passed at its last session, a series of Acts, commonly called the Compromise Measures:

And, whereas, certain misguided individuals, in various States of the Union, have expressed their determination to resist a portion of its laws. Therefore,

Be it Resolved, That, in the opinion of this Convention, the common sentiment of the people of Indiana sustains and endorses, in their general features and intention, the said series of Compromise measures as passed by Congress, and recognizes, in the success of these measures, an earnest of security and perpetuity to our glorious Union.

Resolved, That whatever may be the opinions of individuals as to the wisdom or policy of the details of one, or any of the acts of Congress above referred to, it is the duty of all good citizens to conform to their requisitions, and to carry out, in good faith, the conditions of that Compromise on the subject of domestic slavery which is coeval with the Federal Constitution.

Resolved, That a copy of this preamble and resolutions be transmitted to the Governors of each State and Territory of the United States, and to each of our Senators and Representatives in Congress.

Ordered, That said message be referred to the committee on Federal Relations.

Mr. Bullock moved the following resolution, viz:

Resolved, That the Second Auditor report to the Senate a copy of the copy from the records of the Christian County Court at the December term of 1850, which may have been forwarded to the Auditor by the Clerk of said court relative to the number of the legal voters in said county, together with the copy of all the addititional returns of legal voters from the different counties of this State.

Ordered, That said resolution be referred to a committee of the whole.

The Senate thereupon, resolved itself into a committee of the whole, Mr. Irwin in the chair, and after some time spent therein, the Speaker resumed the chair, when Mr. Irwin reported that the committee had, according to order, had under consideration the said resolution and had gone through with the same, and instructed him to report the same to the Senate.

On motion of Mr. Ballard,

Ordered, That said resolution be laid on the table for the present.

The Speaker appointed Messrs. Shepard, Irwin, and Johnston, as the committee on the part of the Senate, to communicate with the Governor of Indiana in relation to the action of the Indiana Convention concerning the death of Col. Richard M. Johnson.

On motion of Mr. Leathers, leave was given to bring in a bill to amend the charter of the Linden Grove Cemetery, at Covington, and the committee on the Judiciary was directed to prepare and bring in the same.

Mr. Graves read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Court of Appeals should hold its sessions at the seat of Government, and no where else.

And then the Senate adjourned.

SATURDAY, DECEMBER 7, 1850.

A message was received from the House of Representatives announcing their disagreement to the amendment of the Senate to the 63d amendment of that House to a bill from the Senate, entitled, an act ap-

pointing Commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables, and insist on their 8th, 9th, and 33d amendments to said bill, and disagree to the 4th, and concur in the remainder of the amendments of the Senate to said bill, and the amendments of that House, with an amendment to the second section of the bill, viz: line 130, strike out "four" and insert "eight."

That they had disagreed to a resolution from the Senate relating to the exhibition of the Planetarium of Thomas H. Barlow at the London Industrial Exhibition.

That they had adopted resolutions of the following titles, viz:

Resolution to appoint a committee to inquire into the expediency of removing the Seat of Government to Louisville.

Resolution to add John F. Todd to the committee on Banks.

That they had passed bills of the following titles, viz:

1. An act to incorporate the Savings Bank of Fleming county.
2. An act to repeal an act declaring Whippoorwill a navigable stream.
3. An act for the benefit of William A. Gorham.
4. An act for the benefit of Nathan B. Lowe and Joshua West.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Banks; the 2d to the committee on Internal Improvement; and the 3d and 4th to the committee on Finance.

Mr. Hays, from the committee on the Judiciary, reported a bill for the benefit of the city of Lexington, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hays, from the same committee, to whom was referred a bill to amend the charter of the Lexington and Frankfort Railroad Company, reported the same, with an amendment, as a substitute for said bill.

Which amendment was concurred in.

The question was then taken on re-engrossing and reading said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Saunders and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Robert A. Patterson,
Camden M. Ballard,	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	John C. Kouns,	Camden Riley,

John P. Bruce, John W. Leathers, Thomas Rouse,
William C. Bullock, Thomas P. Linthicum, Nimrod Routt,
Joshua Buster, Beriah Magoffin, Robert S. Russell,
Walter Chiles, Daniel Morgan, James M. Shepard,
Sam. Daviess Delany, Fitch Munger, Berry Smith—25.
Abijah Gilbert,

Those who voted in the negative, were

Hall Anderson, James W. Irwin, William Sterett,
John Eaker, Alfred Johnston, Thomas I. Young—8.
James W. Hays, Nathaniel P. Saunders,

The constitutional provision as to the third reading of said bill being dispensed with, and the same being re-engrossed,

Resolved That said bill, as amended, do pass, and that the title thereof be amended by adding "and Louisville and Frankfort Railroad Company."

Mr. Hays, from the same committee, asked to be discharged from the further consideration of the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of repealing the law authorizing a specific tax on gold spectacles, watches, &c., and that they report by bill or otherwise.

And the question being taken on discharging the committee from the further consideration of said resolution, it was decided in the affirmative.

Mr. Bruce moved to lay said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leathers and Barbour, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Abijah Gilbert, James M. Shepard,
Camden M. Ballard, Richard C. Graves, Berry Smith,
John P. Bruce, James W. Hays, William Sterett,
Joshua Buster, John C. Kouns, Thomas I. Young—14.
Walter Chiles, Nimrod Routt,

Those who voted in the negative, were

Hall Anderson, Elihu Hogan, Fitch Munger,
James P. Barbour, Alfred Johnston, Hamilton Pope,
William C. Bullock, John W. Leathers, Thomas Rouse,
Sam. Daviess Delany, Thomas P. Linthicum, Nathaniel P. Saunders—14
John Eaker, Beriah Magoffin,

Ordered, That resolution be referred to a select committee, consisting of Messrs. Barbour, Leathers, Delany, Ritter, and Magoffin.

The following bills were reported, viz:

By Mr. Magoffin, from the committee on the Court of Appeals, a bill to divide the State into four districts for the election of Judges of the Court of Appeals.

By Bruce, from a select committee, a bill to apportion representation.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bills be placed in the orders of the day, and that the Public Printer print 150 copies of each for the use of the General Assembly.

Mr. Chiles, from the committee on Finance, made the following report, viz:

The committee on Finance, to whom was referred the three accounts of, 1st, the Frankfort Cemetery Company; 2d, of James Bell; 3d, of Robert Stevenson, for work and labor done, and materials furnished in and about the improvement contiguous to the State Military Monument, beg leave to submit to the Senate the following statement of facts:

Having carefully examined said accounts, respectively, we are of opinion that the same, with the exceptions hereinafter mentioned, are just and reasonable, and should be allowed, although, at first blush, they may appear to be extravagant.

To satisfy ourselves fully of their justice, we took considerable pains to investigate them rigidly by personal inspection of the work performed, and by consultation with those in whose opinions we could confide.

We find that at the request of the Governor of Kentucky, and some of the other State officers, the "Cemetery Company," went on and improved the grounds circumjacent to the State monument, by making a handsome terrace and laying out suitable walks of convenient dimensions thereupon. It will be recollected, that the site of this *monument*, is a side-long piece of ground, which is reduced to a level by means of this terrace, and the beauty of the scene there presented, is thereby greatly enhanced. This terrace comprises an area of —— square feet, and on the lower or northern side thereof, the earth is elevated to the height of something like four feet. The entire surface is well sodded over, and with the walks, as thereon completed, presents a very neat and substantial piece of work and tasteful improvement. The *material* requisite for this work was hauled some distance, there having been no excavation of earth in the immediate vicinity thereof, from which such supply could be procured.

Immediately around the iron railing, enclosing the monument, are four walks of about thirty-three feet square, and each walk upwards of four feet in width, all of which are neat and substantial, and are, in every respect as we conceive, of sufficient capacity to answer all the purposes contemplated in their construction.

In making the walks, the earth was first removed to a sufficient depth, then was placed a layer of rock eight inches thick, well broken or crushed after the manner of the metal on a McAadmized turnpike, and this was covered by a coating or layer of gravel of the thickness of three inches. This gravel was brought from the opposite side of the Kentucky river, up Benson creek, a mile or more from said place, and the most convenient point where the same could be procured of the proper quality.

In addition to the walks above enumerated, are two others of a similar description connecting therewith. The one in front of the monu-

ment and leading to the *stone steps* on the northern edge of said terrace, being nine feet in length. The other leads from the monument, westwardly, in the direction of the avenue towards the Kentucky river, and is forty-two feet in length.

There *is to be* another walk of a similar kind, but is not yet commenced, and for *this*, there is be no additional or extra charge, but is part and parcel of the account, as made out by the said "Cemetery Company," and constitutes a portion of the item for terrace, walks, &c. This latter walk is to lead from the "*stone steps*," above named, to the northern extremity of the State "Mound" in a line with the avenue leading to the city of Frankfort. It will be eighty-one feet long, and is to branch before reaching the grave and monument of Major Barbour, so as to pass on either side thereof, and to unite again, *below* said monument, before reaching its northern terminus. These various walks will then form a connection with each other, and will facilitate pedestrian excursions through these grounds in damp and muddy weather, and prove valuable, at all times, in furnishing protection to the property of the State. For all this work, when the same is completed, in our opinion, $100 will not be an unreasonable price.

The two cast iron seats, named in said account, are not yet furnished, nor will they be unless the same are ordered by the present Legislature. It is proposed that each seat be of the length of six feet, made after the fashion of a settee, with backs and arms, and of the depth of an ordinary chair. From the best information we can obtain, these two seats, properly painted and arranged, would be cheap enough at the price suggested, and we are of opinion that said seats ought to be procured. This State monument is a magnificent piece of workmanship—one, of which every Kentuckian has just cause to feel proud. Every lover of the beautiful in art—every being whose bosom burns with the real fires of patriotism, (and we have come to flatter ourselves that every son and daughter of "old Kentuck" belongs to this class,) looks upon and beholds this specimen, this transcendant specimen of genius and skill, with that emotion peculiar to their natures. But few persons visit the capitol of Kentucky without making a pilgrimage to this shrine of heroic gallantry, to shed a tear of gratitude in beholding the names of their country's benefactors inscribed upon the surface of the polished marble. Here is no resting place for the visitant. It seems to us that these seats should be provided to occupy a place in front of the monument, near the edge of the terrace, where he or she could quietly contemplate the scene exhibited, and enjoy the luxury of tears, which heroic reminiscences will ever exact from the hearts of a free, virtuous, and greatful people! We recommend, therefore, that this desideratum be immediately supplied. If the Senate will pardon us for the digression, we would say at this point, by way of reminding them of a fact now existing, that in front and in rear of this monument, is reposing the dust of McKee, of Clay, of Willis, of Vaughn, and of Powell. No grave-stone marks the resting place of either. No index points to the "lowly bed" where sleep those noble spirits, who poured out their lives in their country's cause. This should not be. True, they are not forgotten. Their names are on every lip—their memory is enshrined on every heart; yet, it seems to us, that some humble token of their country's respect—of its high appreciation of the

worth there entombed—should be erected to tell to posterity, and to the world, that Kentucky is not ungrateful. We transmit herewith a *draft* for a tomb for each of those graves, prepared at our suggestion by an eminent artist, which we recommend to the consideration of the present Legislature.

To resume our statements about the accounts. We proceed next to the account No. 2, of Mr. James Bell. We found all the stone blocks therein charged. They are three feet in length, and about thirteen inches square at the top. They are buried, to their full length, in the ground with the exception of about an inch or a little more, which appears above the surface. In the top of each of these stone blocks a hole is drilled to the depth of six inches. In these holes are inserted the posts, or uprights of the iron railing around the monument, and are made fast therein with white lead and sulphur, and by these means the said iron railing is made very firm, fast, substantial, and secure.

We also found three stone steps and two sides, as specified in said account. They are the same, hereinbefore mentioned, as being at the northern edge of the terrace in front of the monument. They are of good substantial material, well hewn, and answer a good purpose. They correspond in width with the gravel walks, which they are made to assist—and all taken together make a handsome and useful improvement. For the materials furnished, and the work done by Mr. Bell, as stated in his account, we think the prices charged reasonable enough, and recommend the payment thereof.

As to the account of Robert Stevenson, No. 3, we think the same is far too large an amount.

From the best information we could obtain, eight dollars would pay for the materials furnished, and six dollars for the labor expended. We recommend, therefore, the appropriation of this sum of money—that is to say, fourteen dollars of money for his benefit, and give it as our opinion that he ought not to receive a greater amount on his said account.

Which is respectfully submitted.

WALTER CHILES, *Chm. Com. Finance.*

Mr. Chiles, from the same committee, reported a bill appropriating money to the Frankfort Cemetery Company, James Bell, and Robert Stevenson, for work and labor done and materials furnished in the improvements lately made around the State Military Monument, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be placed in the orders of the day.

The amendments proposed by the Senate to the amendments of the House of Representatives to a bill from the Senate, entitled, an act appointing Commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables, were taken up.

Resolved, That the Senate recede from their amendment to the 63d amendment of the House of Representatives, insist on their disagreement to the 8th, 9th, and 33d amendments, recede from their 4th amend-

ment to said bill, and concur in the amendment of the House of Representatives to the second section.

On motion of Mr. Irwin,

Ordered, That a committee of conference be appointed on the part of the Senate upon the disagreement of the two Houses on the amendments to said bill, and that the House of Representatives be requested to appoint a committee on their part.

Messrs. Irwin, Patterson, and Riley, were appointed said committee on the part of the Senate.

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act for the benefit of Henry J. Meade.

An act to incorporate a company to construct a bridge across the Ohio river, at Louisville.

An an act to incorporate the Flemingsburg and Upper Fox Springs Turnpike Road Company.

An act to authorize and require the Trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order.

An act to incorporate the Hawesville Cemetery Company.

An act for the benefit of Funk Seminary and Masonic University, at Lagrange.

An act for the benefit of Henry Academy, and Henry Female College.

An act for the benefit of William Williams, Clerk of Owsley county.

Resolution directing an examination into the condition of Transylvania University.

Resolution in relation to the funeral discourse delivered on the death of Col. Richard M. Johnson.

Resolutions in relation to the action of the Indiana Convention concerning the death of Col. Richard M. Johnson.

Resolution inviting the Rev. R. J. Breckinridge to deliver an address on Education and Common Schools.

And enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the Common School Commissioners, of Monroe county.

An act to incorporate the Elizaville and Helena Turnpike Road Company.

An act to run and re-mark the dividing line between the counties of Butler and Edmonson.

An act to incorporate the Kentucky Agricultural and Mechanical Association, at Lexington.

An act to incorporate the Louisa, Paintsville, Prestonsburg, and Pikeville Turnpike Road Company.

An act to authorize the Police Judge of Somerset to grant injunctions.

An act to repeal an act for the benefit of James Cunningham, of Trigg county.

An act to repeal an act, entitled, an act to reduce into one the several acts concerning the town of Cynthiana.

An act to change the lines of Perry and Clay counties.

An act for the benefit of the Sheriff of Cumberland county.

An act for the benefit of Stephen Moody, of Monroe county.

An act to repeal in part an act, entitled, "an act authorizing mill dams to be built across John's creek."

An act for the benefit of the Presbyterian Church, in Mountsterling.

An act to abolish the stray pen in Pulaski county.

An act to incorporate Bedford Division, No. 159, Sons of Temperance.

An act for the benefit of the town of Flemingsburg.

An act for the benefit of the Trustees of Washington.

An act for the benefit of Jacob S. White, of Madison county.

An act for the benefit of Edmund Curd, of Calloway county.

An act to regulate the rate of toll at the toll gate, near the town of Paris, on the turnpike road leading from Paris to Winchester.

An act to authorize the location of a toll gate, near the town of Centreville, on the turnpike road from Georgetown to Paris.

An act for the benefit of John Taylor Crook, of Mason county.

Resolution in regard to a law of Congress granting bounty lands to certain officers and soldiers.

Resolution to add Benjamin L. Owens to the committee to visit the Lunatic Asylum.

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

Mr. Shepard, from the joint committee on the part of the Senate, made the following report, viz:

The committee appointed to communicate with the Rev. Stuart Robinson, and solicit for publication a copy of his discourse delivered over the remains of the late Col. Richard M. Johnson, have discharged the duty assigned them, and beg leave to report that they have now in their possession a copy of said discourse: whereupon,

Mr. Shepard moved the following resolution, viz:

Resolved, That 1000 copies of the Rev. Stuart Robinson's discourse

over the remains of the late Col. Richard M. Johnson, in the Hall of the House of Representatives, be printed for the use of the Senate and officers thereof.

Resolved, That the copies provided for in the foregoing resolution be printed in pamphlet form, with neat covers, and that under the same cover the resolutions of the House of Representatives, together with the speeches made in the House, the resolution of the Senate, and the remarks made in the Senate, with the proceedings in connection with the funeral services, be printed in the order in which they occurred.

Which was adopted.

A resolution from the House of Representatives to appoint a committee to inquire into the expediency of removing the Seat of Government to Louisville, was taken up, amended, twice read, and concurred in, and the title amended by adding "or some other place."

A resolution from the House of Representatives to add John F. Todd to the committee on Banks, was taken up, and amended.

Ordered, That the further consideration of said resolution be postponed until Monday next.

And then the Senate adjourned.

MONDAY, DECEMBER 9, 1850.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills, which originated in that House, of the following titles, viz:

An act for the benefit of the Trustees of School District, No. 3, in Todd county.

An act for the relief of Francis Hillary.

An act to authorize the Clerk of the Ohio County Court to transcribe and index certain records in his office.

An act to incorporate Cumberland Lodge, No. 149.

An act for the benefit of William Slusher.

An act for the benefit of Samuel Haycraft.

An act to incorporate Boone Lodge, No. 1, Independent Order of Odd Fellows, Louisville.

An act to incorporate the Maxwell Spring Company, at Lexington.

Approved November 30, 1850.

That they had adopted a resolution calling on the Clerk of the Court of Appeals for the amount of his fees.

That they had passed bills of the following titles, viz:

1. An act giving the Warren County Court jurisdiction over that portion of the Salt river road within the limits of Warren county.

2. An act for the benefit of William Fox.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was referred to the committee on Finance; and the 1st was ordered to be read a third time.

The constitutional provision as to the third reading of the 1st bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee of conference, appointed on the part of the Senate, upon the disagreement of the two Houses on the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act appointing Commissioners to divide the counties of this State into districts for the election of Justices of Peace and Constables, made the following report, viz:

"Strike out Stephen White, as one of the Commissioners for Adair county.

"Make the following Commissioners for Caldwell county: Zebulon Blackburn, Coleman Brown, P. B. McGoodwin, James Nichols, Robert L. Cobb, Hezekiah Oliver, Joseph McConnell, James Kirkpatrick, Richard Barns, and Francis W. Urey.

"Make the following Commissioners for Henderson county: James M. Stone, George Sugg, Hector Green, Henry Dixon, jr., Ferna Cannon, Thomas Towles, jr., James Thomas, William Rankin, and Cornelius Burnett."

Which report was concurred in.

1. Mr. Bullock presented the remonstrance of King & Morris against the establishment of another ferry across the Ohio river, at Milton.

2. Mr. Sterett presented the petition of Hancock Division, No. 12, Sons of Temperance, praying an act of incorporation.

Which remonstrance and petition were received, the reading thereof dispensed with and referred—the 1st to the committee on Propositions and Grievances, and the 2d to the committee on the Judiciary.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the town of Bloomfield, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of David Howell, and others.

An act for the benefit of James G. Hatcher, committee of Luanna Branham, an idiot of Floyd county.

Reported the same with an amendment to the last named bill, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, the last as amended, and that the titles thereof be as aforesaid.

Mr. Magoffin, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Pulaski County Seminary.

An act to incorporate the Frankfort Female College.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Morgan, from the committee on Propositions and Grievances, 1. A bill to establish a ferry across the Ohio river, at Milton.

By Mr. Eaker, from the committee on Finance, 2. A bill in relation to the duties of Assessors of tax.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be engrossed and read a third time, and the 2d was made the special order of the day for Wednesday the 11 thinstant.

The constitutional provision as to the third reading of the first bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Public Printer print 150 copies of the second bill for the use of the General Assembly.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent

George W. Ruddell, to be Sheriff of Nicholas county, the County Court having failed to recommend a successor to the present Sheriff, whose term of office is about to expire.

Gideon P. Jolly, to be Sheriff of Breckinridge county, the County Court having failled to recommend a successor to the present Sheriff, whose term of office will shortly expire.

J. B. Kinkead, to be Notary Public for Jefferson county.

Jonathan D. S. Peacock, to be Notary Public for Bullitt county.

Richard Apperson, jr., to be Notary Public for Kenton county.

December 9, 1850. JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Graves read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will on the 7th day of January, 1851, proceed, by a joint vote of both Houses, to the election of the public officers of this State.

On motion of Mr. Eaker, leave was given to bring in a bill for the benefit of A. G. Hodges and Thomas S. Page; and the committee on Finance was directed to prepare and bring in the same.

Mr. Pope read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That James P. Barbour be, and he is hereby, added to the joint committee to visit the Deaf and Dumb Asylum, at Danville.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up, twice read, and adopted.

The Senate took up the motion made by Mr. Patterson to reconsider the vote rejecting the resolution of instruction to the committee on Banks, read and laid on the table by himself on the 21st of November, and amended on the 22d of November, on the motion of Mr. Leathers.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Young, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Hays,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	John W. Ritter,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Nimrod Routt,

Joshua Buster, Thomas P. Linthicum, Robert S. Russell,
Walter Chiles, William N. Marshall, James M. Shepard,
John Eaker, Fitch Munger, Berry Smith,
Abijah Gilbert, Robert A. Patterson, Caleb B. Wallace,
Richard C. Graves, Hamilton Pope, Thomas I. Young—27.

Those who voted negative, were

Mr. Speaker, (Grey,) Beriah Magoffin, Thomas J. Smith,
Sam. Daviess Delany, Daniel Morgan, William Sterett—8
John W. Leathers, Nathaniel P. Saunders,

The vote adopting the amendment, moved by Mr. Leathers to said resolution, was reconsidered, and Mr. Leathers had leave to withdraw the same.

Mr. Delany moved to amend said resolution by substituting in lieu thereof the following, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the several committees on Banks, the Deaf and Dumb and Lunatic Asylums, and the Institute for the Blind, to open a correspondence with these institutions as to their condition, management, and wants, and report the same to the General Assembly—which correspondence shall supercede the necessity of their personal examination.

And the question being taken on the adoption of said substitute, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wallace and Delany, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) John W. Leathers, Robert A. Patterson,
Walter Chiles, Thomas P. Linthicum, Camden Riley,
Sam. Daviess Delany, Beriah Magoffin, Nathaniel P. Saunders,
Abijah Gilbert, William N. Marshall, Thomas J. Smith,
James W. Hays, Fitch Munger, William Sterett—16.
John C. Kouns,

Those who voted in the negative, were

Hall Anderson, James W. Irwin, Nimrod Routt,
Camden M. Ballard, Alfred Johnston, Robert S. Russell,
James P. Barbour, Daniel Morgan, James M. Shepard,
William C. Bullock, Hamilton Pope, Berry Smith,
Joshua Buster, John W. Ritter, Caleb B. Wallace,
John Eaker, Thomas Rouse, Thomas I. Young—19.
Richard C. Graves,

The question was then taken on the adoption of the resolution, as read and laid on the table by Mr. Patterson on the 21st of November, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Graves, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson, Richard C. Graves, Robert A. Patterson,
Camden M. Ballard, James W. Hays, John W. Ritter,

William C. Bullock, Alfred Johnston, Thomas Rouse,
Joshua Buster, John C. Kouns, Nimrod Routt,
Walter Chiles, John W. Leathers, James M. Shepard,
John Eaker, Thomas P. Linthicum, Berry Smith,
Abijah Gilbert, William N. Marshall, Thomas I. Young—21.

Those who voted in the negative, were

Mr. Speaker, (Grey,) Daniel Morgan, Nathaniel P. Saunders,
James P. Barbour, Fitch Munger, Thomas J. Smith,
Sam. Daviess Delany, Hamilton Pope, William Sterett,
James W. Irwin, Camden Riley, Caleb B. Wallace—14.
Beriah Magoffin, Robert S. Russell,

A resolution from the House of Representatives to add John F. Todd to the committee on Banks, was taken up, amended, twice read, and concurred in, and the title amended by adding "and James W. Hays."

A resolution from the House of Representatives calling on the Clerk of the Court of Appeals for the amount of his fees, was taken up, and twice read.

And the question being taken on concurring in said resolutions, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Anderson and Hays, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson, James W. Irwin, Thomas Rouse,
James P. Barbour, Alfred Johnston, Nimrod Routt,
William C. Bullock, John C. Kouns, Nathaniel P. Saunders,
Joshua Buster, John W. Leathers, James M. Shepard,
Walter Chiles, Thomas P. Linthicum, Berry Smith,
Sam. Daviess Delany, Beriah Magoffin, Thomas J. Smith,
John Eaker, Daniel Morgan, William Sterett,
Abijah Gilbert, Hamilton Pope, Caleb B. Wallace,
Richard C. Graves, Camden Riley, Thomas I. Young—29.
James W. Hays, John W. Ritter,

Those who voted in the negative, were

Mr. Speaker, (Grey,) Fitch Munger—2.

And then the Senate adjourned.

TUESDAY, DECEMBER 10, 1850.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

An act to incorporate the town of Hardinsville, in Shelby county.

An act for the benefit of Robert W. Walker, of Hickman county.

An act to incorporate the German Roman Catholic St. Alphonsas Leibisbund Benevolent Society, of Louisville.

An act for the benefit of John Lyon, of Monroe county.

An act to incorporate Tompkins Lodge, No. 178.

An act to incorporate Edmonton Division, No. 129, Sons of Temperance.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred to the committee on the Judiciary.

1. O. P. Hogan presented the petition of J. J. Grant, S. Thomas Hauser, and others, praying for the passage of a law in relation to the free negro population.

2. Mr. Patterson presented the memorial of J. Barbour, of the county of McCracken, praying the passage of a law authorizing the Board of Internal Improvement to settle his account for work and labor done on lock and dam No. 1, on the Kentucky river.

Which petition and memorial were received, (the 1st read,) and referred—the 1st to the committee on the Judiciary, and the 2d to the committee on Internal Improvement.

Ordered, That the Public Printer print 150 copies of said petition and memorial for the use of the General Assembly.

Mr. Munger, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the fifth section of the act to amend the laws in relation to the city of Newport, approved March 6, 1850, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Munger, from the same committee, reported a bill for the benefit of Emma Bardenwerper, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Leathers and Wallace, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Camden Riley,
Camden M. Ballard,	John C. Kouns,	Nimrod Routt,
James P. Barbour,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,
Sam. Daviess Delany,	William N. Marshall,	Berry Smith,
John Eaker,	Daniel Morgan,	Thomas J. Smith,
Richard C. Graves,	Robert A. Patterson,	Caleb B. Wallace,
James W. Hays,	Hamilton Pope,	Thomas I. Young—25.
Elihu Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	John W. Ritter,
William C. Bullock,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	William Sterett—10.
Abijah Gilbert,		

Resolved, That the title of said bill be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of East Maysville and Railroad Company.

An act to incorporate the Maysville and Bull Creek Plank Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of William A. Gorham.

An act for the benefit of William Fox.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the same committee, to whom was recommitted a bill to equalize the compensation for the collection of the revenue tax, reported the same with an amendment, as a substitute for said bill.

Ordered, That said bill be made the special order for Monday, the 13th day of January next, and that the Public Printer print 150 copies of said substitute for the use of the General Assembly.

Mr. Chiles, from the same committee, presented the following tabular statement, viz:

Tabular statement showing the operation, under the substitute offered by Mr. Chiles, to equalize the compensation for the collection of the revenue.

COUNTIES.	Gross Revenue.	Commission now allowed.	Commission proposed.	State's gain.	State's loss
Adair,	2,698 54	202 40	194 92	7 48	
Allen,	2,558 22	191 86	187 91	3 95	
Anderson,	3,015 49	226 16	210 62	15 54	
Boyle,	8,867 50	518 38	444 70	73 68	
Bracken,	4,137 88	218 89	255 52	26 37	
Bourbon,	21,778 91	1,163 94	961 17	202 77	
Bullitt,	3,868 99	268 45	244 76	23 69	
Barren,	6,831 27	416 56	363 25	53 31	
Breckinridge,	4,454 06	297 70	268 16	29 54	
Boone,	7,579 30	453 96	393 17	60 79	
Breathitt,	772 99	57 96	77 29	-	19 33
Ballard,	1,344 81	98 61	118 88	-	20 27
Bath,	7,184 59	434 22	377 38	56 84	
Butler,	1,384 96	103 86	123 09	-	19 23
Campbell,	6,226 56	386 32	339 06	47 26	
Caldwell,	5,080 47	329 02	293 21	35 81	
Christian,	10,506 45	600 32	510 25	90 07	
Clarke,	12,904 31	724 71	609 77	114 94	
Carroll,	3,356 08	242 80	224 24	18 66	
Casey,	1,669 05	125 17	140 14	-	14 97
Clinton,	967 78	72 57	96 77	-	24 20
Cumberland,	2,146 65	160 99	167 33	-	6 34
Carter,	1,287 80	96 58	117 26	-	20 68
Crittenden,	1,516 27	113 71	130 97	-	17 26
Calloway,	1,875 53	140 65	152 53	-	11 88
Clay,	1,321 14	99 07	119 26	-	20 19
Daviess,	6,533 93	401 69	351 35	50 34	
Edmonson,	862 34	64 68	86 23	-	21 55
Estill,	1,812 20	135 91	148 73	-	12 82
Franklin,	8,739 71	511 98	439 58	72 40	
Fayette,	35,104 27	1,830 21	1,494 17	336 04	
Floyd,	1,181 68	88 62	110 90	-	22 28
Fleming,	7,809 08	465 45	402 36	63 09	
Fulton,	1,764 73	132 34	145 88	-	13 54
Gallatin,	2,507 46	188 05	185 37	2 68	
Graves,	2,451 48	183 85	182 57	1 28	
Greenup,	3,230 59	236 52	219 22	17 30	
Grant,	2,991 40	224 35	209 57	14 78	
Grayson,	1,383 65	103 77	123 01	-	19 24
Garrard,	7,758 06	462 80	400 32	62 48	
Green,	3,673 97	258 69	236 95	21 74	
Hopkins,	3,595 45	254 77	233 81	20 96	
Henderson,	7,749 20	462 46	399 96	62 50	
Hardin,	6,029 71	376 48	331 18	45 30	
Hancock,	1,346 35	100 96	120 78	-	19 82
Henry,	8,726 82	511 33	439 06	72 27	
Harlan,	685 41	51 40	68 54	-	17 14
Hart,	2,674 75	200 59	193 77	6 82	
Harrison,	10,239 19	586 95	499 56	87 39	
Hickman,	1,466 98	110 01	128 00	-	17 99
Jessamine,	9,231 62	536 58	459 26	77 32	
Jefferson,	56,111 94	2,880 74	2,334 59	546 15	
Johnson,	639 28	47 94	63 92	-	15 98
Kenton,	12,746 38	712 31	599 85	112 46	
Knox,	1,768 35	132 61	146 10	-	13 49
Larue,	1,706 26	127 96	142 37	-	14 41
Letcher,	304 99	22 86	30 49	-	7 63
Laurel,	858 96	64 41	85 89	-	21 48
Am't carried forward,				2,534 00	391 72

COUNTIES.	Gross Revenue.	Commission now allowed.	Commission proposed.	State's gain.	State's loss
Am't brought forward	- - -	- - -	- - -	2,534 00	391 72
Lincoln, - - -	7,784 59	464 22	401 38	62 84	
Lewis, - - -	2,382 76	178 69	179 13	-	44
Lawrence, - -	1,211 12	90 82	112 66	-	21 84
Logan, - - -	9,011 20	525 56	450 44	75 12	
Livingston, - -	1,983 51	148 75	159 01	-	10 26
Muhlenburg, - -	3,229 16	236 45	219 16	17 29	
Madison, - - -	16,209 15	885 45	738 36	147 09	
Montgomery, - -	9,232 49	536 62	456 28	77 34	
Mercer, - - -	8,802 89	515 14	442 11	73 03	
Marion, - - -	6,526 93	401 34	351 07	50 27	
Marshall, - -	823 08	61 72	82 30	-	20 58
McCracken, - -	2,592 84	194 46	189 64	4 82	
Meade, - - -	2,881 44	216 10	204 07	12 03	
Monroe, - - -	1,639 36	122 94	138 38	-	15 42
Morgan, - - -	1,625 89	121 93	137 54	-	15 61
Mason, - - -	16,710 75	910 53	758 43	152 10	
Nicholas, - -	5,988 21	374 41	329 52	44 89	
Nelson, - - -	10,554 60	602 75	512 18	90 57	
Owen, - - -	4,307 76	290 38	262 31	28 07	
Oldham, - - -	5,726 38	361 31	319 05	42 26	
Ohio, - - -	2,638 88	197 91	191 94	5 97	
Owsley, - - -	853 32	63 99	85 33	-	21 34
Perry, - - -	507 94	38 08	50 79	-	12 71
Pulaski, - - -	3,086 03	229 30	213 44	15 86	
Pike, - - -	1,019 73	76 47	101 18	-	24 71
Pendleton, - -	2,440 48	183 03	182 02	1 01	
Rockcastle, - -	1,137 26	85 29	105 49	-	20 20
Russell, - - -	1,193 85	89 53	107 75	-	18 22
Simpson, - - ,	2,939 06	220 42	206 95	13 47	
Shelby, - - -	16,956 40	922 82	768 25	154 57	
Scott, - - -	13,721 22	761 06	638 84	122 22	
Spencer, - - -	4,803 03	315 15	282 12	33 03	
Todd, - - -	6,467 43	398 37	348 69	49 68	
Trigg, - - -	3,803 21	265 16	242 12	23 04	
Trimble, - - -	2,619 83	196 48	190 99	5 49	
Taylor, - - -	2,583 18	193 72	189 15	4 57	
Union, - - -	3,642 38	257 11	235 69	21 42	
Woodford, - -	13,486 84	749 34	629 47	119 87	
Wayne, - - -	2,900 75	217 54	205 03	12 51	
Warren, - - -	8,772 77	513 63	440 91	72 72	
Whitley, - - -	910 85	68 31	91 08	-	22 77
Washington, - -	6,589 09	404 45	353 56	50 89	
				$4,218 04	$595 82
				$595 82	
Making State's gain on commission proposed, - - - -				$3,622 22	
Additional gain of the State, supposing the commission to be 3 per cent. on every dollar above four thousand, - - -				2,796 70	
Making the sum of - - - - - - - - -				$6,418 92	

Ordered, That the Public Printer print 150 copies of said statement for the use of the General Assembly.

Mr. Eaker, from the same committee, reported a bill for the benefit of A. G. Hodges and Thomas S. Page, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Ritter,

Ordered, That a message be sent to the House of Reprsentatives, requesting the appointment of a committee on their part, to act in conjunction with a committee on the part of the Senate, to wait on the Governor and ask leave to withdraw an enrolled bill which originated in the Senate, entitled, an act to authorize and require the trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order.

Ordered, That Mr. Ritter inform the House of Representatives thereof.

After a short time a message was received from the House of Representatives announcing the appointment of a committee on their part.

Whereupon, Mr. Ritter was appointed a committee on the part of the Senate.

Mr. Bruce moved the following resolution, viz:

Resolved, That the committee on Circuit Courts be instructed to report a bill regulating the fees of Circuit Court Clerks.

Which was adopted.

On motion of Mr. Magoffin, leave was given to bring in a bill to exempt certain persons from working on the county roads; and the committee on Internal Improvement was directed to prepare and bring in the same.

A bill appropriating money to the Frankfort Cemetery Company, James Bell, and Robert Stevenson, for work and labor done and materials furnrshed in the improvements lately made around the State Military Monument, came up in the orders of the day.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Camden Riley,
Hall Anderson,	Elihu Hogan,	John W. Ritter,
Camden M. Ballard,	John C. Kouns,	Thomas Rouse,
James P. Barbour,	John W. Leathers,	Nimrod Routt,
William C. Bullock,	Beriah Magoffin,	Nathaniel P. Saunders,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
Sam. Daviess Delany,	Fitch Munger,	Berry Smith,
John Eaker,	Robert A. Patterson,	William Sterret,

Abijah Gilbert, Hamilton Pope, Caleb B. Wallace—28.
Richard C. Graves,

Those who voted in the negative, were

Joshua Buster, Alfred Johnston, Thomas J. Smith,
Overton P. Hogan, Thomas P. Linthicum, Thomas I. Young—8.
James W. Irwin, William N. Marshall,

Resolved, That the title of said bill be as aforesaid.

The resolution fixing a day for the election of public officers, read and laid on the table by Mr. Graves, on yesterday, was taken up, amended, twice read, and adopted.

A bill to divide the State into four districts for the election of Judges of the Court of Appeals, came up in the orders of the day.

Mr. Munger moved an amendment as a substitute for said bill.

Ordered, That said bill and amendment be referred to a committee of the whole, and made the special order of the day for Thursday the 12th instant.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 11, 1850.

A message was received from the House of Representatives, announcing their concurrence in the report of the committee of conference upon the disagreement of the two Houses on the amendments proposed by that House to a bill from the Senate, entitled, an act appointing Commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables.

That they had concurred in the amendments proposed by the Senate to a resolution from that House to appoint a committee to inquire into the expediency of removing the Seat of Government to Louisville.

That they had passed a bill from the Senate, entitled, an act to establish a ferry across the Ohio river, at Milton.

That they had passed bills of the following titles, viz:

An act to incorporate the Hebrew Beneficial Society of Louisville.

An act for the benefit of Samuel P. Davidson, late deputy Sheriff of Floyd county.

An act for the benefit of James Ashcraft, of Grant county.

Mr. Morgan had leave to withdraw a deed to John M. Abbott, filed in the petition for another ferrry across the Ohio river, at Milton.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Robert W. Walker, of Hickman county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives asking leave to withdraw their report announcing the passage of a bill from the Senate, entitled, an act to authorize and require the trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order, which was granted, and the bill was withdrawn.

Mr. Linthicum, from the committee on Circuit Courts, to whom was recommitted a bill to divide the State into twelve Circuit Court Judicial Districts, and the amendments proposed thereto, reported the same with an amendment as a substitute for said bill and amendments, and after some discussion had thereon, the Senate proceeded to the consideration of the orders of the day.

A bill in relation to the duties of Assessors of tax, came up in the orders of the day, and was amended.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill to apportion representation was taken up.

Ordered, That said bill be referred to a committee of the whole.

The Senate then resolved itself into a committee of the whole, on said bill, Mr. Irwin in the chair, and after some time spent therein, the Speaker resumed the chair, when Mr. Irwin reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again, which was granted.

Two messages, in writing, were received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said messages were taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent the following persons for the offices attached to their names:

Samuel Worthington, to be Brigadier General of the 7th Brigade, Kentucky Militia.

Wm. B. Hopkins, to be Brigadier General of the 25th Brigade, Kentucky Militia.

Jacob B. Haydon, to be Brigadier General of the 23d Brigade, Kentucky Militia.

John S. Ballard, to be Brigadier General of the 1st Brigade, Kentucky Militia.

Thomas B. Dodds, to be Brigadier General of the 9th Brigade, Kentucky Militia.

December 11, 1850. JOHN L. HELM.

Gentlemen of the Senate:

I nominate for your advice and consent

Jim. W. Anderson to be Notary Publie for the county of Knox.

December 11, 1850. JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Leathers read and laid on the table the following preamble and resolution, viz:

Whereas, it is represented to the General Assembly, that in the month of September, 1848, Col. Edward Brooks, acting under the authorities of the town of Munroe and State of Michigan, transported and delivered to the Mayor of the city of Covington the remains of fifteen of Kentucky's gallant volunteers, who fell in the memorable battle of the river Raisin on the 22d January 1813, and which were, by the authorities of the city of Covington, deposited in the vault of the Baptist Cemetery in that city. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That his Excellency the Governor of Kentucky be requested to cause the said remains to be removed to the city of Frankfort, and suitably interred in the grounds of the Frankfort Cemetery.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said preamble and resolution were taken up, twice read, and adopted.

On motion of Mr. Munger, leave was given to bring in a bill for the benefit of John M. Raymon, and the committee on the Judiciary was directed to prepare and bring in the same.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Executive Department,
Frankfort, Dec. 11, 1850.

Gentlemen of the Senate, and
House of Representatives:

I herewith transmit the report of the committee, appointed by the Legislature to procure the erection of a suitable Military Monument on that portion of the

Frankfort Cemetery that was ceded to the State of Kentucky. You will perceive, from the report, that the work has been completed in a manner entirely satisfactory to the committee, and I think I may safely add, in a manner that is gratifying to our State pride. It is due to the eminent sculptor, Mr. R. E. Launitz, who designed and constructed the monument, to say that he has, in every particular, been faithful to his contract, and has gone beyond the public expectation. The zeal of the artist, led him to embark with enthusiasm in the work he had undertaken, and catching the devoted spirit of the illustrious dead, whose self-sacrificing deeds the monument was designed to commemorate, he was resolved that the column should be worthy of the names inscribed upon it, and the battles it records, even if it involved great personal loss to himself. But it cannot be that the Legislature of Kentucky will suffer him to sustain any loss. They will not suffer any one to reproach the Commonwealth with the imputation that Kentucky has built her monument upon the impaired fortunes of an artist. I commend to your most respectful consideration, the suggestions made and facts stated by the committee, not doubting but that you will cheerfully take such action upon the subject as will best comport with the well known justice and liberality of the Kentucky Legislature. JOHN L. HELM.

FRANKFORT, December 6, 1850.

To his Excellency, the Governor of Kentucky:

SIR: The committee charged with the erection of the Military Monument, would respectfully make to you, and through you to the General Assembly, the following report:

They state that the work is finished, and the inscriptions, as directed by the Legislature, are inscribed thereon. The whole amount of the appropriation has been paid to the contractor. For the incidental expenses of the committee, including traveling and other expenses, they make no charge, and are unwilling to receive any remuneration.

In making this, their final report, they feel that they are performing but an act of simple justice to the sculptor, Mr. Robert E. Launitz, when they state that he has not only strictly complied with his contract, under unexpected and embarrassing difficulties, but has produced a work, far exceeding in beauty and execution, that which he was bound by his engagement to produce.

Your committee deeply regret, that in the execution of this memorial of Kentucky valor and Kentucky gratitude, the artist has incurred a pecuniary loss.

From authentic vouchers, furnished at the instance and request of the committee, they advisedly state that the actual outlay in money, by Mr. Launitz, in the execution, transportation of, and erection of the monument, was $16,539 93

Amount paid him, - - - - - - - - - - - 15,000 00

Actual loss in money, - - - - - - - - $1,539 93

This monied loss is exclusive of his individual time and labor, and loss of profits during twelve months.

They would also state that the whole work has been executed with the utmost economy and diligence, and that no want of care and industry has, in any instance, existed.

They would also state that Mr. Launitz has had no agency, either direct or indirect, in relation to the subject of remuneration, but has acted throughout the whole matter, as a high-minded and honorable gentleman.

But your committee have felt it due to themselves, to state the above facts, and to leave it to the wisdom of the Legislature to decide whether their Military Monument shall be received at a sum less than its actual cost, and whether the enthusiasm of an artist, which, in such a work, has carried him beyond the strict letter of his contract, shall result in his individual loss.

Should it meet the view of the Legislatnre to refer the subject to a joint committee, it would give the undersigned pleasure to appear before that committee, and give in detail any information on the subject they may desire.

MASON BROWN, *Ch'm. C. M. M.*

Ordered, That said message be referred to the committee on Finance.

Mr. Graves moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of reporting a bill providing for a change of venue in criminal and penal prosecutions.

Which was adopted.

And then the Senate adjourned.

THURSDAY, DECEMBER 12, 1850.

A message was received from the House of Representatives announcing their concurrence in the amendments proposed by the Senate to bills from that House, of the following titles, viz:

An act for the benefit of James G. Hatcher, committee of Luanna Branham, an idiot of Floyd county.

An act for the benefit of William Harman.

An act to amend the revenue laws.

That they had passed a bill from the Senate, entitled, an act for the benefit of the city of Lexington, with amendments.

That they had passed bills of the following titles, viz:

An act to repeal an act to amend the charter of the Covington and Lexington Railroad Company, approved March 4, 1850, and also an act supplemental to said act, approved March 6, 1850.

An act to incorporate McKee Lodge, No. 144, of Free and Accepted Masons.

1. Mr. Irwin presented the petition of sundry citizens of Kentucky, praying the passage of a law appropriating $5,000 a year, for five years, to aid in colonizing the free negroes of this State in Liberia.

2. Mr. Patterson presented the petition of sundry citizens of Caldwell county, for the same object.

3. Mr. Routt presented the petition of sundry citizens of Bracken county, for the same object.

4. Mr. Pope presented the petition of sundry citizens of the city of Louisville and Jefferson county, for the same object.

5. Mr. Speaker (Grey) presented the petition of sundry citizens of Christian county, for the same object.

6. Mr. Ballard presented the petition of Henry Waldron, of Henry county, praying the passage of a law to prevent swindling.

7. Mr. Pope presented an additional remonstrance from sundry citizens of Jefferson county, against the formation of a new county out of parts of Hardin, Meade, Jefferson, and Bullitt counties.

Which petitions and remonstrance were received, the reading thereof dispensed with, and referred—the 1st, 2d, 3d, 4th, and 5th, to the committee on Finance; the 6th to the committee on the Judiciary; and the 7th to the committee on propositions and Grievances.

Mr. Graves moved a reconsideration of the vote passing a bill in relation to the duties of Assessors of Tax.

And the question being taken on reconsidering said vote, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Richard C. Graves,	James W. Irwin,
John P. Bruce,	Elihu Hogan,	Hamilton Pope,
Joshua Buster,	Overton P. Hogan,	Thomas I. Young—9.

Those who voted negative, were

Mr. Speaker, (Grey,)	John W. Leathers,	Thomas Rouse,
Camden M. Ballard,	Thomas P. Linthicum,	Nimrod Routt,
James P. Barbour,	Beriah Magoffin,	Robert S. Russell,
William C. Bullock,	William N. Marshall,	Nathaniel P. Saunders,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
Sam. Daviess Delany,	Fitch Munger,	Berry Smith,
John Eaker,	Robert A. Patterson,	Thomas J. Smith,
Abijah Gilbert,	Camden Riley,	William Sterett,
James W. Hays,	John W. Ritter,	Caleb B. Wallace—28.
John C. Kouns,		

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled, an act to appointing commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables, and had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

The Senate resumed the consideration of the bill to divide the State into twelve Circuit Court Judicial Districts.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, that the Judicial Districts for Circuit Courts in this Commonwealth shall be composed of the counties as follows, viz:

The first district, of the counties of Lawrence, Johnson, Floyd, Pike, Letcher, Perry, Breathitt, Owsley, Clay, Knox, Harlan, Whitley, and Laurel.

The second district, of the counties of Morgan, Montgomery, Bath, Clarke, Estill, Fleming, Carter, Greenup, and Lewis.

The third district, of the counties of Mason, Bracken, Nicholas, Bourbon, Fayette, and Madison.

The fourth district, of the counties of Harrison, Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, and Grant.

The fifth district, of the counties of Owen, Scott, Franklin, Jessamine, Woodford, Anderson, and Shelby.

The sixth district, of the counties of Jefferson, Oldham, Trimble, Henry, and Bullitt.

The seventh district, of the counties of Mercer, Boyle, Garrard, Lincoln, Casey, Rockcastle, Pulaski, and Wayne.

The eighth district, of the counties of Spencer, Washington, Marion, Nelson, Green, Taylor, Larue, and Hardin.

The ninth district, of the counties of Adair, Russell, Cumberland, Clinton, Monroe, Barren, Hart, Edmonson, Warren, Allen, and Simpson.

The tenth district, of the counties of Todd, Logan, Butler, Muhlenburg, Daviess, Ohio, Hancock, Breckinridege, Meade, and Grayson.

The eleventh district, of the counties of Trigg, Caldwell, Union, Henderson, Hopkins, and Christian.

The twelfth district, of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, and Crittenden.

The amendment, as a substitute for said bill, moved by Mr. Barbour on the 2d inst., is as follsws, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judicial Districts, for Circuit Courts in this Commonwealth shall be composed of the counties as follows, viz:

The first district, of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, and Crittenden.

The second district, of the counties of Trigg, Caldwell, Union, Hopkins, Muhlenburg, Christian, and Todd.

The third district, of the counties of Henderson, Daviess, Ohio, Hancock, Breckinridge, Meade, Hardin, Grayson, and Larue.

The fourth district, of the counties of Logan, Butler, Edmonson, Barren, Monroe, Allen, Simpson, Warren, and Hart.

The fifth district, of the counties of Cumberland, Adair, Green, Taylor, Casey, Pulaski, Wayne, Russell, Clinton, and Lincoln.

The sixth district, of the counties of Bullitt, Spencer, Anderson, Mercer, Boyle, Washington, Marion, and Nelson.

The seventh district, of the counties of Jefferson, Shelby, Oldham, Trimble, and Franklin.

The eighth district, of the counties of Henry, Owen, Carroll, Gallatin, Boone, Kenton, Grant, and Campbell.

The ninth district, of the counties of Pendleton, Bracken, Mason, Nicholas, Harrison, Lewis, and Greenup.

The tenth district, of the counties of Woodford, Scott, Bourbon, Fayette, Clarke, Jessamine, and Garrard.

The eleventh district, of the counties of Fleming, Carter, Lawrence, Bath, Montgomery, Morgan, Johnson, Pike, and Floyd.

The twelfth district, of the counties of Madison, Estill, Owsley, Clay, Harlan, Perry, Letcher, Whitley, Laurel, Rockcastle, Breathitt, and Knox.

The amendment, reported on yesterday by the committee on Circuit Courts, as a substitute for said bill and amendment, is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judicial Districts for Circuit Courts in this Commonwealth shall be composed of the counties as follows, viz:

The first district, of the counties of Greenup, Carter, Lawrence, Morgan, Montgomery, Clarke, Bath, Estill, Fleming, and Lewis.

The second district, of the counties of Johnson, Floyd, Pike, Letcher, Perry, Breathitt, Owsley, Clay, Knox, Harlan, Whitley, and Laurel.

The third district, of the counties of Mason, Bracken, Nicholas, Bourbon, Fayette, and Madison.

The fourth district, of the counties of Harrison, Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, and Grant.

The fifth district, of the counties of Owen, Scott, Franklin, Jessamine, Woodford, Anderson, and Shelby.

The sixth district, of the counties of Jefferson, Henry, Oldham, and Trimble.

The seventh district, of the counties of Mercer, Boyle, Garrard, Lincoln, Casey, Rockcastle, Pulaski, Wayne, and Russell.

The eighth district, of the counties of Spencer, Washington, Marion, Green, Taylor, Larue, Hardin, Bullitt, and Nelson.

The ninth district, of the counties of Adair, Hart, Edmonson, Barren, Warren, Allen, Simpson, Monroe, Cumberland, and Clinton.

The tenth district, of the counties of Logan, Todd, Butler, Muhlenburg, Daviess, Ohio, Hancock, Breckinridege, Meade, and Grayson.

The eleventh district, of the counties of Christian, Trigg, Caldwell, Hopkins, Union, Henderson, and Crittenden.

The twelfth district, of the counties of Graves, Fulton, Hickman, Ballard, McCracken, Calloway, Marshall, and Livingston.

Mr. Linthicum movedthe previous question.

The question was then taken—"shall the main question be now put?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Leathers, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	Camden Riley,
Camden M. Ballard,	John C. Kouns,	John W. Ritter,
William C. Bullock,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Nimrod Routt,

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Walter Chiles,	Beriah Magoffin,	Robert S. Russell,
John Eaker,	William N. Marshall,	Berry Smith,
Abijah Gilbert,	Daniel Morgan,	Thomas J. Smith,
Richard C. Graves,	Robert A. Patterson,	Caleb B. Wallace—24.

Those who voted negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Nathaniel P. Saunders,
James P. Barbour,	Overton P. Hogan,	James M. Shepard,
John P. Bruce,	James W. Irwin,	William Sterett,
Sam. Daviess Delany,	Fitch Munger,	Thomas I. Young—14.
James W. Hays,	Hamilton Pope,	

The main question was then put—"shall the substitute proposed by the committee in lieu of the original bill and amendment be adopted?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce, and Hays, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	John W. Ritter,
Camden M. Ballard,	John W. Leathers,	Thomas Rouse,
William C. Bullock,	Thomas P. Linthicum,	Robert S. Russell,
Joshua Buster,	Beriah Magoffin,	Berry Smith,
Walter Chiles,	Daniel Morgan,	Thomas J. Smith,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterret,
John Eaker,	Hamilton Pope,	Caleb B. Wallace—23.
Overton P. Hogan,	Camden Riley,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
James P. Barbour,	Elihu Hogan,	Nimrod Routt,
John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
Abijah Gilbert,	John C. Kouns,	James M. Shepard,
Richard C. Graves,	William N. Marshall,	Thomas I. Young—15.

Mr. O. P. Hogan moved a reconsideration of the vote adopting said amendment.

And the question being taken thereon, it was decided in the affirmative.

Mr. Bullock moved a reconsideration of the vote by which the previous question was ordered.

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the substitute proposed by the committee, in lieu of the original bill and amendment, and decided in the dffirmative.

Mr. Irwin moved an amendment, as a substitute for said bill.

Ordered, That said bill and amendment be referred to a committee of the whole.

The Senate then resolved itself into a committee of the whole, on said bill and amendment, Mr. Chiles in the chair, and after some time spent

therein, the Speaker resumed the chair, when Mr. Chiles reported that the committee had, according to order, had under consideration the bill and amendment aforesaid, and had instructed him to report the same to the Senate without amendment.

Mr. Bruce moved to recommit said bill and amendment to the select committee of twenty, to whom was referred the leave to bring in a bill to lay off the State into twelve Judicial Districts.

And then the Senate adjourned.

FRIDAY, DECEMBER 13, 1850.

A message was received from the House of Representatives announcing that they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Lexington, with an amendment.

That they had concurred in a resolution, from the Senate, of instruction to the committee on Banks, with an amendment.

That they had passed bills from the Senate of the following titles, viz:

An act to amend the charter of the Lexington and Frankfort Railroad Company, and Louisville and Frankfort Railroad Company.

An act for the benefit of Edward Artsman, of Bracken county.

An act for the benefit of the town of Ghent, in Carroll county.

An act to amend the charter of the Ghent and Eagle Creek Turnpike Road Company.

That they had passed bills of the following titles, viz:

An act to incorporate the Trustees of the United Baptist Church, in Tompkinsville.

An act for the benefit of William Burke, a Justice of the Peace, of Marion county.

An act to require the Attorney General to perform certain duties in regard to the Owingsville and Big Sandy Turnpike Road Company.

An act to incorporate Moore Lodge, No. 96, of Free and Accepted Masons.

An act making provision for running and marking the lines of Cumberland and Adair counties.

1. Mr. Pope presented the petition of the trustees of Greenwood school

district, in Jefferson county, praying the passage of a law allowing them pay for a school taught three months, which was not regularly reported.

2. Mr. Anderson presented the petition of Ephraim Smith, praying the passage of a law allowing him to remove certain slaves to the State of Missouri.

3. Mr. Chiles presented the memorial of H. W. Derby & Co., in relation to the publication of the Reports of the Court of Appeals of this State.

Which petitions and memorials were received, the reading thereof dispensed with, and referred—the 1st to the committee on Education; the 2d to the committee on the Judiciary; and the 3d to the committee on Finance.

The Speaker appointed Messrs. Barbour, Russell, and Eaker, as the committee on the part of the Senate, to inquire into the propriety of removing the Seat of Government to Louisville, in pursuance of the joint resolution heretofore adopted.

Mr. Barbour read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint resolution heretofore adopted for a recess, to take place on the 20th of this month, and close on the 6th of January, 1851, be and the same is hereby rescinded.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up, and twice read.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Thomas P. Linthicum,	Thomas Rouse,
James P. Barbour,	William N. Marshall,	James M. Shepard,
John P. Bruce,	Hamilton Pope,	Berry Smith,
James W. Hays,	John W. Ritter,	Thomas J. Smith—13.
Alfred Johnston,		

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	Overton P. Hogan,	Nimrod Routt,
William C. Bullock,	James W. Irwin,	Robert S. Russell,
Joshua Buster,	John C. Kouns,	Nathaniel P. Saunders,
Walter Chiles,	John W. Leathers,	William Sterett,
Sam. Daviess Delany,	Daniel Morgan,	Caleb B. Wallace,
John Eaker,	Fitch Munger,	Thomas I. Young—23.
Abijah Gilbert,	Robert A. Patterson,	

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act for the benefit of the city of Lexington were taken up, twice read, and concurred in.

Mr. Sterett had leave to withdraw the will of Rufus King, the copies of the opinions of the Court of Appeals, the remonstrance of King and Morris, and the remonstrance of the trustees of Milton, filed in the papers for another ferry across the Ohio river, at Milton.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz:

An act for the benefit of Funk Seminary and Masonic University, at Lagrange.

An act for the benefit of William Williams, Clerk of Owsley county.

An act to incorporate the Hawesville Cemetery Company.

An an act to incorporate the Flemingsburg and Upper Fox Springs Turnpike Road Company.

An act for the benefit of Henry J. Meade.

Resolutions in relation to the action of the Indiana Convention concerning the death of Col. Richard M. Johnson.

Resolution inviting the Rev. R. J. Breckinridge to deliver an address on Education and Common Schools.

Resolution directing an examination into the condition of Transylvania University.

Resolution in relation to the funeral discourse delivered on the death of Col. Richard M. Johnson. Approved December 7, 1850.

An act to incorporate a company to construct a bridge across the Ohio river, at Louisville.

An act for the benefit of Henry Academy, and Henry Female College. Approved December 9, 1850.

An act appointing commissioners to divide the counties of this State into districts for the election of Justices of the Peace and Constables. Approved December 12, 1850.

Mr. Sterett had leave to withdraw the petition of sundry citizens of the town of Hardinsburg, praying the establishment of a Police Court in said town.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent

Buford Henry to be Police Judge of the town of Greensburg, in the place of S. T. Wilson, resigned.

James Workman, to be Sheriff of Bath county, the County Court having failed to nominate a successor to the present incumbent, whose term is about to expire.

Stephen B. Curran, to be Sheriff of Harrison county, the County Court having failed to nominate a successor to the present incumbent, whose term of office is about to expire. JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

The Senate resumed the consideration of the bill to divide the State into twelve Circuit Court Judicial Districts.

Mr. Munger moved to postpone the further consideration of said bill for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Ritter, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
James P. Barbour,	James W. Irwin,	Nimrod Routt,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Richard C. Graves,	William N. Marshall,	James M. Shepard,
James W. Hays,	Fitch Munger,	Thomas I. Young—16.
Elihu Hogan,		

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	John W. Ritter,
Camden M. Ballard,	John W. Leathers,	Thomas Rouse,
William C. Bullock,	Thomas P. Linthicum,	Robert S. Russell,
Joshua Buster,	Beriah Magoffin,	Berry Smith,
Walter Chiles,	Daniel Morgan,	Thomas J. Smith,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterett,
John Eaker,	Camden Riley,	Caleb B. Wallace—22.
Abijah Gilbert,		

The question was then taken on the motion made by Mr. Bruce, on yesterday, to recommit said bill and amendment, to the select committee of twenty, to whom was referred the leave to bring in a bill to lay off the State into twelve Judicial Districts, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Patterson and Riley, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	Overton P. Hogan,	Fitch Munger,
Abijah Gilbert,	James W. Irwin,	Nathaniel P. Saunders,
Richard C. Graves,	John C. Kouns,	James M. Shepard,
Elihu Hogan,	William N. Marshall,	Thomas I. Young—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	John W. Ritter,
Hall Anderson,	Alfred Johnston,	Thomas Rouse,
Camden M. Ballard,	John W. Leathers,	Nimrod Routt,
James P. Barbour,	Thomas P. Linthicum,	Robert S. Russell,
William C. Bullock,	Beriah Magoffin,	Berry Smith,
Joshua Buster,	Daniel Morgan,	Thomas J. Smith,
Walter Chiles,	Robert A. Patterson,	William Sterett,
Sam. Daviess Delany,	Hamilton Pope,	Caleb B. Wallace—26.
John Eaker,	Camden Riley,	

Ordered, That said bill and amendment be referred to a committee of the whole.

The Senate resolved itself into a committee of the whole, Mr. Eaker in the chair; after some time spent therein, the Speaker resumed the chair, when Mr. Eaker reported that the committee had, according to order, had under consideration the bill and amendment aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again, which was granted.

Mr. Pope presented to the Senate a report from one of the Commissioners appointed to revise the States, in the form of a bill, to reduce into one theseveral acts concerning elections.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

And then the Senate adjourned.

SATURDAY, DECEMBER 14, 1850.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

1. An act in relation to the duties of Assessors of Tax.
2. An act relative to the town of Cynthiana.
3. An act to regulate the sale of the estate of persons of unsound mind.
4. An act for the benefit of James H. and Joseph F. Curd, administrators of E. H. Curd.
5. An act to appoint M. T. Hall one of the Commissioners to lay off Warren county into Magistrates' and Constables' Districts.
6. An act for the benefit of William R. Moore, of Todd county.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was referred to the committee on Finance; the 2d, 3d, and 4th, to the committee on the Judiciary; the 6th to the committee on Education; and the 5th was ordered to be read a third time.

The constitutional provision as to the third reading of the 5th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Patterson presented the petition of sundry citizens of Warren county, praying the passage of a law appropriating $5,000 a year, for five years, to aid in colonizing the free negroes of this State, in Liberia, which was received, the reading thereof dispensed with, and referred to the committee on Finance.

Mr. Ballard moved a reconsideration of the vote rejecting the resolution, moved by Mr. Barbour on yesterday, to rescind the resolution for a recess.

And the question being taken on reconsidering said vote, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Ballard and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	Thomas P. Linthicum,	Berry Smith,
William C. Bullock,	Beriah Magoffin,	Thomas J. Smith—11.
James W. Hays,	William N. Marshall,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Camden Riley,
Hall Anderson,	Overton P. Hogan,	John W. Ritter,
John P. Bruce,	James W. Irwin,	Nimrod Routt,
Joshua Buster,	John C. Kouns,	Robert S. Russell,
Walter Chiles,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Daniel Morgan,	James M. Shepard,
John Eaker,	Fitch Munger,	William Sterett,
Abijah Gilbert,	Robert A. Patterson,	Caleb B. Wallace,
Richard C. Graves,	Hamilton Pope,	Thomas I. Young—27.

Mr. Barbour, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the House of Representatives of the following titles, viz:

An act to amend the several acts incorporating the Versailles and Midway Turnpike Road Company.

An act to repeal the fifth section of the act to amend the laws in relation to the city of Newport, approved March 6, 1850.

An act for the benefit of William Milbourne, Jailer of Marion county.

An act to increase the terms of the Campbell County Court.

An act for the benefit of James G. Hatcher, committee of Luanna Branham, an idiot of Floyd county.

An act for the benefit of the town of Bloomfield.

An act for the benefit of William Harman.

An act for the benefit of David Howell, and others.

An act to extend the limits of the town of Proctor, in Owsley county.

An act to amend the revenue laws by increasing the tax on nine and ten pin alleys.

An act for the benefit of East Maysville and Railroad Company.

An act to incorporate the Maysville and Bull Creek Plank Road Company.

An act for the benefit of the Pulaski County Seminary.

An act for the benefit of School District, No. 8, Kenton county.

An act to incorporate the Frankfort Female College.

An act for the benefit of William A. Gorham.

An act giving the Warren County Court jurisdiction over that portion the Salt river road within the limits of Warren county.

An act for the benefit of William Fox.

An act for the benefit of Robert W. Walker, of Hickman county.

Resolution to appoint a committee to inquire into the expediency of removing the Seat of Government to Louisville, or some other place.

Resolution calling on the Clerk of the Court of Appeals for the amount of his fees.

And an enrolled bill which originated in the Senate, entitled, an act to incorporate the Deposit Bank of Covington.

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Barbour reported that the committee had performed that duty.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to repeal part of an act to permit the citizens of Louisa to vote for or against tavern license, and for other purposes, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Delany, from the committee on Banks, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Savings Bank of Fleming County, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Johnston and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
Hall Anderson,	Elihu Hogan,	Robert A. Patterson,
Camden M. Ballard,	Overton P. Hogan,	Hamilton Pope,
James P. Barbour,	James W. Irwin,	Camden Riley,
John P. Bruce,	John C. Kouns,	John W. Ritter,
William C. Bullock,	John W. Leathers,	Nimrod Routt,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,
Sam. Daviess Delany,	William N. Marshall,	Berry Smith,
Abijah Gilbert,	Daniel Morgan,	William Sterret—31.
Richard C. Graves,		

Those who voted in the negative, were

John Eaker,	Thomas Rouse,	Thomas I. Young—5.
Alfred Johnston,	Robert S. Russell,	

Resolved, That the title of said bill be as aforesaid.

The following bills were reported, viz:

By Mr. Morgan, from the committee on Propositions and Grievances, a bill for the benefit of iron masters in Caldwell county.

By Mr. Eaker, from the committee on Finance, a bill to amend an act, entitled, an act for the benefit of Common Schools in Graves county, and for other purposes.

By Mr. Wallace, from the committee on Education, a bill to incorporate the "Greenville Institute."

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent the following persons for the offices attached to their names:

William T. Samuels, to be Police Judge of Elizabethtown, in place of George Roberts, resigned.

James D. Allcorn, to be Police Judge of Somerset.

Wesley J. Wright, to be Police Judge of the town of Bedford.

George W. Craddock, to be Police Judge of Frankfort, in place of Lysander Hord, resigned.

Thomas W. Vaughn, to be Police Judge of the town of Versailles, in place of R. T. Williamson, deceased.

Tho. J. Shepherd, to be Police Judge of Georgetown, in place of James M. Shepherd, resigned.

Cheslea J. Taylor, to be Police Judge of Columbia, in place of George W. McBeath, resigned.

William M. Burton, to be Police Judge of the town of Monticello.

Joseph M. Coates, to be Police Judge of the town of New Liberty, in place of John Duvall, resigned.

Owen Haws, to be Police Judge of Athens, in place of D. P- Watson, resigned.

Henry C. Pindell, to be Judge of the Lexington City Court, in place of George R. Trotter, resigned.

H. H. Maddox, to be Police Judge of the town of Lawrenceburg.

December 14, 1850. JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

The Senate again resolved itself into a committee of the whole on the bill to divide the State into twelve Circuit Court Judicial Districts, and the amendment proposed thereto by Mr. Irwin, Mr. Eaker in the chair, and after some time spent therein, the Speaker resumed the chair, when Mr. Eaker reported that the committee had, according to order, had under consideration the bill and amendment aforesaid, and had instructed him to report the same to the Senate.

Ordered, That the further consideration of said bill and amendment be postponed, and made the special order of the day for Monday next.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act to repeal an act to amend the charter of the Covington and Lexington Railroad Company, approved March 4, 1850, and also an act supplemental to said act, approved March 6, 1850.

2. An act to incorporate the Hebrew Beneficial Society of Louisville.

3. An act to incorporate the Trustees of the United Baptist Church, in Tompkinsville.

4. An act for the benefit of Samuel P. Davidson, late deputy Sheriff of Floyd county.

5. An act for the benefit of James Ashcraft, of Grant county.

6. An act to incorporate McKee Lodge, No. 144, of Free and Accepted Masons.

7. An act for the benefit of William Burke, a Justice of the Peace, of Marion county.

8. An act to require the Attorney General to perform certain duties in regard to the Owingsville and Big Sandy Turnpike Road Company.

9. An act to incorporate Moore Lodge, No. 96, of Free and Accepted Masons.

10. An act making provision for running and marking the lines of Cumberland and Adair counties.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 8th were referred to committee on Internal Improvement; the 2d, 3d, 4th, 6th, and 9th, to the committee on the Judiciary; the 10th to the committee on Propositions and Grievances; and the 5th and 7th were ordered to be read a third time.

The constitutional provision as to the third reading of the 5th and 7th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The amendment proposed by the House of Representatives, to the amendments proposed by the Senate, to a bill from the House of Representatives, entitled, an act to reduce into one, amend and digest the acts and amendatory acts incorporating the city of Lexington, was taken up, and concurred in.

Mr. Patterson read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Second Auditor to draw a warrant on the treasury in favor of the Clerk and Assistant Clerk of the Senate and House of Representatives; also in favor of the Doorkeeper and Sergeant-at-Arms of each House, for any amount they or each of them may require: *Provided*, said warrant shall not exceed in amount their per diem allowance, as heretofore prescribed by law, up to the time of issuing said warrant.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up, twice read, and adopted.

By Mr. Pope, from the committee on the Judiciary, to whom was referred the leave to bring in a bill to codify the Criminal Statute Laws, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That Messrs. Ritter, Chiles, Magoffin, and Linthicum, prepare and bring in said bill.

And then the Senate adjourned.

MONDAY, DECEMBER 16, 1850.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills and resolutions which originated in that House of the following titles, viz:

An act to authorize the Police Judge of Somerset to grant injunctions.

An act to run and re-mark the dividing line between the counties of Butler and Edmonson.

An act to authorize the location of a toll gate, near the town of Centreville, on the turnpike road from Georgetown to Paris.

An act to regulate the rate of toll at the toll gate, near the town of Paris, on the turnpike road leading from Paris to Winchester.

An act to incorporate the Kentucky Agricultural and Mechanical Association, at Lexington.

An act for the benefit of Jacob S. White, of Madison county.

An act for the benefit of Edmund Curd, of Calloway county.

Approved December 7, 1850.

An act to incorporate Bedford Division, No. 159, Sons of Temperance.

An act for the benefit of the Common School Commissioners, of Monroe county.

An act for the benefit of the Presbyterian Church, in Mountsterling.

An act for the benefit of the Sheriff of Cumberland county.

An act for the benefit of the Trustees of Washington.

An act for the benefit of the town of Flemingsburg.

An act to repeal an act, entitled, an act to reduce into one the several acts concerning the town of Cynthiana.

An act for the benefit of Stephen Moody, of Monroe county.

An act to repeal an act for the benefit of James Cunningham, of Trigg county.

An act to repeal in part an act, entitled, "an act authorizing mill dams to be built across John's creek."

An act to abolish the stray pen in Pulaski county.

An act to change the lines of Perry and Clay counties.

An act to incorporate the Louisa, Paintsville, Prestonsburg, and Pikeville Turnpike Road Company.

An act for the benefit of John Taylor Crook, of Mason county.

An act to incorporate the Elizaville and Helena Turnpike Road Company.

Resolution to add Benjamin L. Owens to the committee to visit the Lunatic Asylum.

Resolution in regard to a law of Congress granting bounty lands to certain officers and soldiers. Approved December 9, 1850.

That they had disagreed to a bill from the Senate, entitled, an act for the benefit of Emma Bardenwerper.

That they had passed bills from the Senate of the following titles, viz:

An act fixing the time for holding the charter election for the city of Covington.

An act for the benefit of Col. Edward Brooks, of the State of Michigan.

That they had passed bills of the following titles, viz:

1. An act to reduce the corporate limits of the town of Monticello.

2. An act to amend an act for the benefit of William Joshua Barney, and Georgiana, his wife.

3. An act to appoint Oscar Pepper, in the place of Charles Cotton, to lay off Woodford county into Magistrates' and Constables' Districts.

4. An act to incorporate the Mount Gilead and Mount Carmel Turnpike Road Company.

5. An act to authorize the Bracken County Court to subscribe to a turnpike road leading from the county seat to Germantown.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st and 2d were referred to the committee on the Judiciary; the 4th and 5th to the committee on Internal Improvement; and the 3d was amended, and ordered to be read a third time.

The constitutional provision as to the third reading of the 3d bill being dispensed with,

Resolved That said bill, as amended, do pass, and that the title thereof be amended by adding "and for other purposes."

Mr. Gilbert presented the remonstrance of sundry citizens of Owsley county, against the formation of a new county out of parts of Owsley, Clay, Estill, Madison, and Laurel counties, which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the German Roman Catholic St. Alphonsas Leibisbund Benevolent Society of Louisville, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Mr. Irwin moved to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:

"*Provided*, That the President and Directors of this corporation shall list the same for taxation."

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

James W. Irwin,	Camden Riley,	Thomas I. Young—5.
William N. Marshall,	Thomas J. Smith,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Beriah Magoffin,
Hall Anderson,	Richard C. Graves,	Fitch Munger,
Camden M. Ballard,	James W. Hays,	Robert A. Patterson,
James P. Barbour,	Elihu Hogan,	Hamilton Pope,
John P. Bruce,	Overton P. Hogan,	John W. Ritter,
William C. Bullock,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John C. Kouns,	Nimrod Routt,
Walter Chiles,	John W. Leathers,	William Sterett,
Sam. Daviess Delany,	Thomas P. Linthicum,	Caleb B. Wallace—28.
John Eaker,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to incorporate the town of Hardinsville, in Shelby county.

An act to incorporate Edmunton Division, No. 129, Sons of Temperance.

An act to incorporate Tompkins Lodge, No. 178.

An act for the benefit of John Lyon, of Monroe county.

An act for the benefit of Samuel P. Davidson, late deputy Sheriff of Floyd county,

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee, to whom was referred the petition of Henry Waldron, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Bruce, from the committee on Internal Improvement, to whom

was referred a bill from the House of Representatives, entitled, an act to require the Attorney General to perform certain duties in regard to the Owingsville and Big Sandy Turnpike Road Company, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William R. Moore, of Todd county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary, a bill to incorporate Hancock Division, No. 12, Sons of Temperance, of the State of Kentucky.

By Mr. Munger, from the same committee, a bill for the benefit of Ephraim Smith.

By same—a bill for the benefit of John Raymon.

By Mr. Chiles, from the committee on Finance, a blll for the benefit of Clement Conner, late Sheriff of Montgomery county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the same committee, reported a bill making it the duty of Justices of the Peace to list taxable property, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

A message was received from the House of Representatives asking

leave to withdraw their report announcing the passage of a bill, entitled, an act in relation to the duties of Assessors of Tax.

The vote referring said bill to the committee on Finance was reconsidered, and the leave was granted, and the bill withdrawn.

Mr. Pope withdrew the motion made, on the 6th inst., to reconsider the vote passing a bill from the House of Representatives, entitled, an act for the benefit of Charles Rice, of Carter county.

Leave was given to bring in the following bills, viz:

On motion of Mr. E. Hogan—1. A bill to reorganize Transylvania University, and establish therein a school for teachers.

On motion of Mr. Rouse—2. A bill for the benefit of Araminta Ashbrook, an idiot of Boone county.

On motion of Mr. Pope—3. A bill authorizing the Governor to contract for the purchase of Milne & Bruder's new map of Kentucky, for the use of the different public officers and counties of the State.

On motion of Mr. Graves—4. A bill to tax the property of the incorporated bodies of this Commonwealth.

The committee on Education was directed to prepare and bring in the 1st; the committee on Finance the 2d and 3d; and Messrs. Irwin, Bullock, Hays, Graves, and Leathers were appointed a committee to prepare and bring in the 4th.

Mr. Wallace moved the following resolution, viz:

Resolved, That if, during the recess, the Superintendent of Public Instruction shall have completed his annual report, he may hand the same to the Public Printer, who is authorized to print 10,000 copies for the use of the members of the Senate.

Which was adopted.

Mr. Chiles moved the following resolution, viz:

Resolved, That the committee on the Penitentiary be instructed to inquire into the expediency and propriety of so regulatiug the discipline of the State prison as to prevent the practice of shaving the heads of the convicts therein, and that said committee report by bill or otherwise.

Which was adopted.

The following bills came up in the orders of the day, viz:

1. A bill to apportion representation.

2. A bill to divide the State into four districts for the election of Judges of the Court of Appeals.

Ordered, That the further consideration of said bills be postponed and made the special order of the day in committee of the whole—the first bill for Tursday, the 16th, and second for Saturday, the 18th of January next.

The Senate resumed the consideration of the bill to divide the State into twelve Circuit Court Judicial Districts.

The amendment, as a substitute for said bill, proposed by Mr. Irwin, as amended, is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judicial Districts for Circuit Courts in this Commonwealth shall be composed of the counties as follows, viz:

The first district, of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Marshall, Calloway, and Livingston.

The second district, of the counties of Caldwell, Trigg, Union, Christian, Hopkins, Henderson, and Crittenden.

The third district, of the counties of Todd, Logan, Muhlenburg, Butler, Warren, Simpson, Allen, Hart, and Edmonson.

The fourth district, of the counties of Hancock, Ohio, Breckinridege, Meade, Grayson, Daviess, Hardin, Larue, and Nelson.

The fifth district, of the counties of Barren, Monroe, Cumberland, Clinton, Green, Adair, Casey, Russell, Wayne, and Taylor.

The sixth district, of the counties of Jefferson, Shelby, Bullitt, Spencer, and Anderson.

The seventh district, of the counties of Madison, Estill, Garrard, Mercer, Lincoln, Boyle, Washington, and Marion.

The eighth district, of the counties of Fayette, Clarke, Bourbon, Scott, Woodford, Jessamine, and Franklin.

The ninth district, of the counties of Kenton, Boone, Grant, Carroll, Owen, Trimble, Henry, Oldham, and Gallatin.

The tenth district, of the counties of Mason, Bracken, Lewis, Greenup, Pendleton, Campbell, Nicholas, and Harrison.

The eleventh district, of the counties of Pulaski, Knox, Rockcastle, Harlan, Laurel, Whitley, Clay, Perry, Owsley, and Letcher.

The twelfth district, of the counties of Montgomery, Fleming, Bath, Carter, Lawrence, Morgan, Johnson, Pike, Floyd, and Breathitt.

And the question being taken on the adoption of said amendment, as a substitute for said bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Elihu Hogan,	Fitch Munger,
John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
Abijah Gilbert,	John C. Kouns,	Thomas J. Smith,
Richard C. Graves,	William N. Marshall,	Thomas I. Young—13.
James W. Hays,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Camden Riley,
Hall Anderson,	Alfred Johnston,	John W. Ritter,
James P. Barbour,	John W. Leathers,	Thomas Rouse,
William C. Bullock,	Thomas P. Linthicum,	Robert S. Russell,
Joshua Buster,	Beriah Magoffin,	Berry Smith,
Walter Chiles,	Daniel Morgan,	William Sterett,
Sam. Daviess Delany,	Robert A. Patterson,	Caleb B. Wallace—23.
John Eaker,	Hamilton Pope,	

Mr. Barbour moved to amend said bill by striking out all after the enacting clause, and inserting in lieu thereof the following, viz:

That the Judicial Districts, for Circuit Courts in this Commonwealth shall be composed of the counties as follows, viz:

The first district, of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, and Crittenden.

The second district, of the counties of Trigg, Caldwell, Union, Hopkins, Muhlenburg, Christian, and Todd.

The third district, of the counties of Henderson, Daviess, Ohio, Hancock, Breckinridge, Meade, Hardin, Grayson, and Larue.

The fourth district, of the counties of Logan, Butler, Edmonson, Barren, Monroe, Allen, Simpson, Warren, and Hart.

The fifth district, of the counties of Cumberland, Adair, Green, Taylor, Casey, Pulaski, Wayne, Russell, Clinton, and Lincoln.

The sixth district, of the counties of Bullitt, Spencer, Anderson, Mercer, Boyle, Washington, Marion, and Nelson.

The seventh district, of the counties of Jefferson, Shelby, Oldham, Trimble, and Franklin.

The eighth district, of the counties of Henry, Owen, Carroll, Gallatin, Boone, Kenton, Grant, and Campbell.

The ninth district, of the counties of Pendleton, Bracken, Mason, Nicholas, Harrison, Lewis, and Greenup.

The tenth district, of the counties of Woodford, Scott, Bourbon, Fayette, Clarke, Jessamine, and Garrard.

The eleventh district, of the counties of Fleming, Carter, Lawrence, Bath, Montgomery, Morgan, Johnson, Pike, and Floyd.

The twelfth district, of the counties of Madison, Estill, Owsley, Clay, Harlan, Perry, Letcher, Whitley, Laurel, Rockcastle, Breathitt, and Knox.

Mr. Pope moved to amend said amendment by striking "Franklin" from the seventh and adding it to the tenth district.

Mr. Linthicum moved the previous question.

The question was then taken—"shall the main question be now put?" and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Linthicum and Graves, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	John W. Ritter,
Camden M. Ballard,	John W. Leathers,	Thomas Rouse,
James P. Barbour,	Thomas P. Linthicum,	Robert S. Russell,
William C. Bullock,	Beriah Magoffin,	Berry Smith,
Joshua Buster,	Daniel Morgan,	Thomas J. Smith,
Walter Chiles,	Robert A. Patterson,	William Sterett,
Sam. Daviess Delany,	Hamilton Pope,	Caleb B. Wallace—23.
John Eaker,	Camden Riley,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Fitch Munger,
John P. Bruce,	Overton P. Hogan,	Nimrod Routt,
Abijah Gilbert,	James W. Irwin,	Nathaniel P. Saunders,
Richard C. Graves,	John C. Kouns,	Thomas I. Young—14.
James W. Hays,	William N. Marshall,	

The main question was then put—"shall the amendment proposed by Mr. Pope to the amendment of Mr. Barbour be adopted?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Bruce, were as follows, viz:

Those who voted in the affirmative, were

James P. Barbour,	James W. Hays,	Hamilton Pope,
Sam. Daviess Delany,	James W. Irwin,	Thomas J. Smith—6.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Camden Riley,
Hall Anderson,	Alfred Johnston,	John W. Ritter,
Camden M. Ballard,	John C. Kouns,	Thomas Rouse,
John P. Bruce,	John W. Leathers,	Nimrod Routt,
William C. Bullock,	Thomas P. Linthicum,	Robert S. Russell,
Joshua Buster,	Beriah Magoffin,	Nathaniel P. Saunders,
Walter Chiles,	William N. Marshall,	Berry Smith,
John Eaker,	Daniel Morgan,	William Sterett,
Abijah Gilbert,	Fitch Munger,	Caleb B. Wallace,
Richard C. Graves,	Robert A. Patterson,	Thomas I. Young—31.
Elihu Hogan,		

The question was then taken—"shall the amendment proposed by Mr. Barbour be adopted?" and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Barbour and Young, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	William N. Marshall,
James P. Barbour,	Elihu Hogan,	Fitch Munger,
John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
Abijah Gilbert,	John C. Kouns,	Thomas J. Smith,
Richard C. Graves,	Beriah Magoffin,	Thomas I. Young—15.

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	John W. Ritter,
Camden M. Ballard,	John W. Leathers,	Thomas Rouse,
William C. Bullock,	Thomas P. Linthicum,	Nimrod Routt,
Joshua Buster,	Daniel Morgan,	Robert S. Russell,
Walter Chiles,	Robert A. Patterson,	Berry Smith,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett,
John Eaker,	Camden Riley,	Caleb B. Wallace—22.
Overton P. Hogan,		

The question was then taken—"shall the bill be engrossed and read a third time, as amended?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	John W. Ritter,
Camden M. Ballard,	John W. Leathers,	Thomas Rouse,
James P. Barbour,	Thomas P. Linthicum,	Robert S. Russell,

William C. Bullock, Joshua Buster, Walter Chiles, Sam. Daviess Delany, Overton P. Hogan, Beriah Magoffin, Daniel Morgan, Robert A. Patterson, Hamilton Pope, Camden Riley, Nathaniel P. Saunders, Berry Smith, William Sterett, Caleb B. Wallace—23.

Those who voted in the negative, were

Mr. Speaker, (Grey,) John P. Bruce, John Eaker, Abijah Gilbert, Richard C. Graves, James W. Hays, Elihu Hogan, James W. Irwin, John C. Kouns, William N. Marshall, Fitch Munger, Nimrod Routt, Thomas J. Smith, Thomas I. Young—14.

Mr. Bruce moved that said bill have its third reading on the 11th day of January next.

And the question being taken thereon, it was decided in the negative.

Mr. Leathers moved that said bill have its third reading on to-morrow at 11 o'clock.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Linthicum and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson, Camden M. Ballard, James P. Barbour, William C. Bullock, Joshua Buster, Walter Chiles, Sam. Daviess Delany, John Eaker, Overton P. Hogan, Alfred Johnston, John W. Leathers, Thomas P. Linthicum, Beriah Magoffin, Daniel Morgan, Robert A. Patterson, Hamilton Pope, Camden Riley, John W. Ritter, Thomas Rouse, Robert S. Russell, Nathaniel P. Saunders, Berry Smith, William Sterret, Caleb B. Wallace—24.

Those who voted in the negative, were

Mr. Speaker, (Grey,) John P. Bruce, Abijah Gilbert, Richard C. Graves, James W. Hays, Elihu Hogan, James W. Irwin, John C. Kouns, William N. Marshall, Fitch Munger, Nimrod Routt, Thomas J. Smith, Thomas I. Young—13.

And then the Senate adjourned.

TUESDAY, DECEMBER 17, 1850.

1. Mr. Patterson presented the petition of sundry citizens of Paducah, praying an act of incorporation for a railroad company from that place to intersect the Mobile and Ohio Railroad.

2. Mr. Graves presented the petition of sundry citizens of Woodford county, asking an appropriation of $5,000, for five years, to colonize the free negroes of Kentucky, in Liberia.

3. Mr. Wallace presented the petition of David A. Knox, praying the State to refund to him $160, an amount improperly received by the Commonwealth for land lying in Fulton county.

Which were received the reading thereof dispensed with, and referred—the 1st to the committee on Internal Improvement; the 2d to the committee on Finance; and the 3d to the committee on the Judiciary.

Mr. B. Smith had leave to withdraw the petition of Jacob Molen and John W. Barker, citizens of Wayne county, praying to be added to Pulaski county.

Mr. Pope, from the committee on the Judiciary, to whom were referred bills from the House of Representatives of the following titles, viz:

An act relative to the town of Cynthiana.

An act for the benefit of James H. and Joseph F. Curd, administrators of E. H. Curd.

An act to incorporate McKee Lodge, No. 144, of Free and Accepted Masons.

An act to incorporate the Trustees of the United Baptist Meeting House, in Tompkinsville.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hays, from the same committee, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to regulate the sale of the estate of persons of unsound mind.

An act to reduce the corporate limits of the town of Monticello.

Reported the same without amendment.

Ordered, That said bills be placed in the orders of the day.

Mr. Ritter, from the same committee, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to amend an act for the benefit of William Joshua Barney, and Georgiana, his wife.

An act to incorporate Moore Lodge, No. 96, of Free and Accepted Masons.

An act to incorporate the Hebrew Beneficial Society of Louisville.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act making provision for running and marking the lines of Cumberland and Adair counties, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Morgan, from the same committee, to whom was re-committed a bill from the House of Representatives, entitled, an act better to define the lines between the counties of Pike, Floyd, Lawrence, and Johnson, reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative. So the said bill was disagreed to.

Mr. Chiles, from the committee on Finance, reported a bill for the benefit of Joseph A. Vance, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

The question was taken on engrossing and reading said bill a third time, and decided in the negative. So the said bill was rejected.

On motion of Mr. Graves, the vote rejecting said bill was reconsidered, and it was placed in the orders of the day.

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to establish a Police Court in the town of Hardinsburg.

An act to incorporate the Maysville and Big Sandy Railroad Company.

An act for the benefit of Edward Artsman, of Bracken county.

An act for the benefit of the town of Ghent, in Carroll county.

An act to amend the charter of the Ghent and Eagle Creek Turnpike Road Company.

An act fixing the time for holding the charter election for the city of Covington.

An act for the benefit of Col. Edward Brooks, of the State of Michigan.

An act for the benefit of the city of Lexington.

An act to establish a ferry across the Ohio river, at Milton.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent

John W. Finnell, to be Secretary of State.

James Flanagan, to be Notary Public for Clarke county.

December 17, 1850. JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

An engrossed bill, entitled, an act to divide the State into twelve Circuit Court Judicial Districts, was read a third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judicial Districts for Circuit Courts in this Commonwealth shall be composed of the counties as follows, viz:

The first district, of the counties of Greenup, Carter, Lawrence, Morgan, Montgomery, Clarke, Bath, Estill, Fleming, and Lewis.

The second district, of the counties of Johnson, Floyd, Pike, Letcher, Perry, Breathitt, Owsley, Clay, Knox, Harlan, Whitley, and Laurel.

The third district, of the counties of Mason, Bracken, Nicholas, Bourbon, Fayette, and Madison.

The fourth district, of the counties of Harrison, Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, and Grant.

The fifth district, of the counties of Owen, Scott, Franklin, Jessamine, Woodford, Anderson, and Shelby.

The sixth district, of the counties of Jefferson, Henry, Oldham, and Trimble.

The seventh district, of the counties of Mercer, Boyle, Garrard, Lincoln, Casey, Rockcastle, Pulaski, Wayne, and Russell.

The eighth district, of the counties of Spencer, Washington, Marion, Green, Taylor, Larue, Hardin, Bullitt, and Nelson.

The ninth district, of the counties of Adair, Hart, Edmonson, Barren, Warren, Simpson, Allen, Monroe, Cumberland, and Clinton.

The tenth district, of the counties of Logan, Todd, Butler, Muhlenburg, Daviess, Ohio, Hancock, Breckinridge, Meade, and Grayson.

The eleventh district, of the counties of Christian, Trigg, Caldwell, Hopkins, Union, Henderson, and Crittenden.

The twelfth district, of the counties of Graves, Fulton, Hickman, Ballard, McCracken, Calloway, Marshall, and Livingston.

Mr. Irwin moved to postpone the further consideration of said bill until the 10th day of January next.

Mr. Patterson moved to lay said motion on the table until the first day of June next.

Mr. Riley moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Riley and Linthicum, were as follows viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John W. Leathers,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	Berry Smith,
Walter Chiles,	Daniel Morgan,	William Sterett,
Sam. Daviess Delany,	Robert A. Patterson,	Caleb B. Wallace—20.
John Eaker,	Camden Riley,	

Those who voted negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	James W. Irwin,	Nimrod Routt,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Abijah Gilbert,	Beriah Magoffin,	James M. Shepard,
Richard C. Graves,	William N. Marshall,	Thomas J. Smith,
James W. Hays,	Fitch Munger,	Thomas I. Young—18.

The main question was then put—"shall the motion to postpone the further consideration of said bill until the 10th day of January next, be laid on the table until the first day of June next?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Young, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	John W. Leathers,	John W. Ritter,
William C. Bullock,	Thomas P. Linthicum,	Thomas Rouse,
Joshua Buster,	Beriah Magoffin,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	Berry Smith,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterett,
John Eaker,	Camden Riley,	Caleb B. Wallace—19.
Alfred Johnston,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	Overton P. Hogan,	Nimrod Routt,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
John P. Bruce,	John C. Kouns,	James M. Shepard,
Abijah Gilbert,	William N. Marshall,	Thomas J. Smith,
Richard C. Graves,	Fitch Munger,	Thomas I. Young—19.
James W. Hays,		

The question was then taken, "shall the further consideration of said bill be postponed until the 10th day of January next?" and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Linthicum and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	Overton P. Hogan,	Nimrod Routt,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
John P. Bruce,	John C. Kouns,	James M. Shepard,
Abijah Gilbert,	William N. Marshall,	Thomas J. Smith,
Richard C. Graves,	Fitch Munger,	Thomas I. Young—19.
James W. Hays,		

Those who voted in the negative, were

Camden M. Ballard,	John W. Leathers,	John W. Ritter,
William C. Bullock,	Thomas P. Linthicum,	Thomas Rouse,
Joshua Buster,	Beriah Magoffin,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	Berry Smith,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterret,
John Eaker,	Camden Riley,	Caleb B. Wallace—19.
Alfred Johnston,		

Mr. Patterson moved the previous question.

Mr. E. Hogan, at fifteen minutes before one o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Linthicum and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Nimrod Routt,
Hall Anderson,	James W. Irwin,	James M. Shepard,
John P. Bruce,	John C. Kouns,	Thomas J. Smith,
Richard C. Graves,	William N. Marshall,	Thomas I. Young—14.
James W. Hays,	Fitch Munger,	

Those who voted in the negative, were

Camden M. Ballard,	Overton P. Hogan,	Camden Riley,
James P. Barbour,	Alfred Johnston,	John W. Ritter,
William C. Bullock,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Robert S. Russell,
Walter Chiles,	Beriah Magoffin,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Daniel Morgan,	Berry Smith,
John Eaker,	Robert A. Patterson,	William Sterett,
Abijah Gilbert,	Hamilton Pope,	Caleb B. Wallace—24.

The question was then taken—"shall the main question be now put?" and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Patterson and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Alfred Johnston,	Camden Riley,
James P. Barbour,	John W. Leathers,	John W. Ritter,
John P. Bruce,	Thomas P. Linthicum,	Thomas Rouse,

William C. Bullock,	Beriah Magoffin,	Robert S. Russell,
Joshua Buster,	Daniel Morgan,	Berry Smith,
Walter Chiles,	Robert A. Patterson,	William Sterett,
Sam. Daviess Delany,	Hamilton Pope,	Caleb B. Wallace—22.
John Eaker,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Nimrod Routt,
Hall Anderson,	James W. Irwin,	Nathaniel P. Saunders,
Abijah Gilbert,	John C. Kouns,	James M. Shepard,
Richard C. Graves,	William N. Marshall,	Thomas J. Smith,
James W. Hays,	Fitch Munger,	Thomas I. Young—16.
Elihu Hogan,		

The main question was then put—"shall the bill pass?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shepard and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John W. Leathers,	John W. Ritter,
Camden M. Ballard,	Thomas P. Linthicum,	Thomas Rouse,
William C. Bullock,	Beriah Magoffin,	Robert S. Russell,
Joshua Buster,	Daniel Morgan,	Nathaniel P. Saunders,
Walter Chiles,	Robert A. Patterson,	Berry Smith,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett,
Overton P. Hogan,	Camden Riley,	Caleb B. Wallace—22.
Alfred Johnston,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
James P. Barbour,	Elihu Hogan,	Nimrod Routt,
John P. Bruce,	James W. Irwin,	James M. Shepard,
John Eaker,	John C. Kouns,	Thomas J. Smith,
Abijah Gilbert,	William N. Marshall,	Thomas I. Young—16.
Richard C. Graves,		

Mr. Patterson moved a reconsideration of the vote by which said bill was passed.

Mr. Leathers moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wallace and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Alfred Johnston,	Camden Riley,
William C. Bullock,	John W. Leathers,	John W. Ritter,
Joshua Buster,	Thomas P. Linthicum,	Thomas Rouse,
Walter Chiles,	Beriah Magoffin,	Robert S. Russell,
Sam. Daviess Delany,	Daniel Morgan,	Berry Smith,
John Eaker,	Robert A. Patterson,	William Sterett,
Overton P. Hogan,	Hamilton Pope,	Caleb B. Wallace—21.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Nimrod Routt,
Hall Anderson,	Elihu Hogan,	Nathaniel P. Saunders,
James P. Barbour,	James W. Irwin,	James M. Shepard,
John P. Bruce,	John C. Kouns,	Thomas J. Smith,
Abijah Gilbert,	William N. Marshall,	Thomas I. Young—17.
Richard C. Graves,	Fitch Munger,	

Mr. Hays at 1 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Hamilton Pope,
Hall Anderson,	Elihu Hogan,	Nimrod Routt,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
John P. Bruce,	John C. Kouns,	James M. Shepard,
Abijah Gilbert,	William N. Marshall,	Thomas J. Smith,
Richard C. Graves,	Fitch Munger,	Thomas I. Young—18.

Those who voted in the negative, were

Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
William C. Bullock,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Robert S. Russell,
Walter Chiles,	Beriah Magoffin,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	William Sterett,
John Eaker,	Robert A. Patterson,	Caleb B. Wallace—20.
Overton P. Hogan,	Camden Riley,	

The main question was then put—"shall the vote by which said bill was passed be reconsidered?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Nimrod Routt,
James P. Barbour,	Overton P. Hogan,	Nathaniel P. Saunders,
John P. Bruce,	James W. Irwin,	James M. Shepard,
Abijah Gilbert,	John C. Kouns,	Thomas J. Smith,
Richard C. Graves,	William N. Marshall,	Thomas I. Young—17.
James W. Hays,	Fitch Munger,	

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	Camden Riley,
Camden M. Ballard,	John W. Leathers,	John W. Ritter,
William C. Bullock,	Thomas P. Linthicum,	Thomas Rouse,
Joshua Buster,	Beriah Magoffin,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	Berry Smith,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterett,
John Eaker,	Hamilton Pope,	Caleb B. Wallace—21.

Mr. E. Hogan read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be and he is hereby directed to furnish each mem-

ber and officer of the General Assembly with one copy of the revised Debates of the Convention, now in his hands, and subject to the disposal of the Legislature.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up.

Mr. Irwin moved to amend said resolution, by adding thereto the following, viz:

"*Provided*, That the members and officers of the General Assembly, who have heretofore been provided for shall not be entitled to the benefit of this resolution."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The question being taken on the adoption of said resolution, as amended, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hays and Pope, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Camden Riley,
Camden M. Ballard,	Alfred Johnston,	Nimrod Routt,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
John P. Bruce,	John W. Leathers,	James M. Shepard,
Joshua Buster,	William N. Marshall,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith,
Richard C. Graves,	Fitch Munger,	William Sterett,
Elihu Hogan,	Robert A. Patterson,	Caleb B. Wallace—25.
Overton P. Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	John W. Ritter,
Wm. C. Bullock,	Thomas P. Linthicum,	Thomas Rouse,
Walter Chiles,	Beriah Magoffin,	Nathaniel P. Saunders,
John Eaker,	Hamilton Pope,	Thomas I. Young—12.

Mr. Hays, from the committee on the Judiciary, reported a bill to regulate the division of Hancock county into Magistrates' and Constables' Districts, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 18, 1850.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to a bill from that House, entitled, an act to appoint Oscar Pepper in the place of Charles Cotton, to lay off Woodford county into Magistrates' and Constables' districts.

That they had passed a bill from the Senate, entitled, an act to authorize and require the Trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order.

That they had concurred in a resolution from the Senate, authorizing the Second Auditor to issue warrants for the pay of the officers of the General Assembly.

That they had passed bills of the following titles, viz:

An act in relation to the duties of Assessors of Tax.

An act authorizing the election of officers of the Glasgow and Scottsville Turnpike Road.

An act to amend an act, approved November 18, 1850, to settle the dividing line of Estill and Owsley counties.

An act to incorporate Curd Lodge, No. 175.

An act to incorporate Somerset Royal Arch Chapter, No. 25.

An act for the benefit of the Sheriff of Caldwell county.

An act for the benefit of the Estill Seminary.

Mr. Wallace, from a select committee, reported a bill to amend the charter of the Clark's Run and Salt river Turnpike Road Company, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Barbour, from the committee on Education, reported a bill to amend the Common School law, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That the further consideration of said bill be postponed, and made the special order for the 9th day of January next, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The amendment proposed by the House of Representatives to a resolution from the Senate of instruction to the committee on Banks was taken up.

Ordered, That the further consideration thereof be postponed and made the special order for the 11th day of January next.

The amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act to authorize and require the Trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order, was taken up, twice read, and concurred in.

Mr. Pope moved the reconsideration of the vote advising and consenting to the appointment of William T. Samuels, as Police Judge of the town of Elizabethtown.

And the question being taken thereon, it was decided in the affirmative, and leave was granted to withdraw said nomination.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent the following persons for the offices attached to their names:

David Mannin, to be Colonel of the 15th Regiment, 7th Brigade, Kentucky Militia.

Green B. Willis, to be Colonel of the 9th Regiment, 5th Brigade, Kentucky Militia.

Samuel Harris, to be Colonel of the 30th Regiment, 25th Brigade, Kentucky Militia.

Jesse W. Troutman, to be Colonel of the 14th Regiment, 25th Brigade, Kentucky Militia.

John McRoberts, to be Colonel of the 58th Regiment, 25th Brigade, Kentucky Militia.

J. J. Addison, to be Colonel of the 12th Regiment, 6th Brigade, Kentucky Militia.

K. C. Gaines, to be Colonel of the 92d Regiment, 6th Brigade, Kentucky Militia.

John R. Briggs, to be Colonel of the 62d Regiment, 1st Brigade, Kentucky Militia.

John W. Gaines, to be Colonel of the 72d Regiment, 27th Brigade, Kentucky Militia.

Edward Machan, to be Colonel of the 39th Regiment, 27th Brigade, Kentucky Militia.

H. B. Theobald, to be Colonel of the 100th Regiment, 6th Brigade, Kentucky Militia.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

On motion of Mr. Pope,

Ordered, That a message be sent to the House of Representatives asking leave to withdraw the report of the concurrence of the Senate in

the passage of a bill from that House, entitled, an act to amend an act for the benefit of William Joshua Barney, and Georgiana, his wife.

Mr. Pope was appointed to bear said message, and after a short time returned with said bill.

The votes by which said bill was passed and ordered to be read a third time, were reconsidered.

Said bill was then amended, and ordered to be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act authorizing elections of officers of the Glasgow and Scottsville Turnpike Road.

2. An act to amend an act approved November 18, 1850, to settle the dividing line of Estill and Owsley counties.

3. An act to incorporate Curd Lodge, No. 175.

4. An act to incorporate Somerset Royal Arch Chapter, No. 25.

5. An act for the benefit of the Sheriff of Caldwell county.

6. An act for the benefit of the Estill Seminary.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to committee on Internal Improvement; the 2d to the committee on Propositions and Grievances; the 3d and 4th to the committee on the Judiciary; the 5th to the committee on Finance; and the 6th to the committee on Education.

A bill from the House of Representatives, entitled, an act in relation to the duties of Assessors of Tax, was read the first time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Assessors elected in May, 1851, shall qualify and execute bond according to law, on the Friday succeeding their election.

§ 2. The several County Courts shall each hold a special term on the 16th of May, 1851, at which the Assessor shall qualify, and execute bond; and the bond so executed, and the proceedings of the Court at said term, shall be as valid as if executed and had at any regular term.

§ 3. Each Assessor shall, immediately thereafter, enter upon the execution of his official duties, and shall finish his list and return his book to the Clerk of the County Court by the 20th July, 1851.

§ 4. The Clerk of the County Court shall immediately proceed to make two copies of said book, as now provided by law, one of which he shall deliver to the Sheriff by the 10th day of August, 1851, and take his receipt therefor, and transmit the other to the Auditor of the State by the first day of the following September.

§ 5. In all other respects the Assessor shall be governed in the discharge of his duties by the Constitution and general laws of the land.

§ 6. That the Second Auditor be allowed until the 15th day of November, 1851, to make his annual report to the General Assembly, for the fiscal year ending the 10th day of October, 1851.

§ 7. That so much of any existing law or laws, as provides for the appointment of Assessors by the County Courts, be and the same is hereby repealed; and any appointments so made in the month of December, 1850, or thereafter, are hereby revoked and annulled.

§ 8. That the Second Auditor shall forthwith cause copies of this act to be transmitted to the Clerks of the several County Courts in this Commonwealth.

The constitutional provision as to the second reading being dispensed with,

Mr. Graves moved to amend said bill by adding thereto the following, viz:

§ 9. That should any county in this Commonwealth refuse or fail so to elect an Assessor, or should any Assessor so elected fail or refuse to qualify or enter upon the duties as Assessor on or before the 30th day of May, it shall be the duty of the County Court of said county, on the first Monday in June, to appoint an Assessor for said county.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Mr. Eaker moved further to amend said bill, by striking out all after the enacting clause, and inserting in lieu thereof the following, viz:

That Assessors to be elected on the second Monday in May, 1851, agreeably to the provisions of the Constitution, shall not enter upon the duties of their office until the 10th day of January, 1852; and that the County Courts shall proceed, as heretofore, to elect Commissioners of Tax for the year 1851, whose duties and compensation shall be the same as now provided by law: *Provided*, that if any county or counties shall have failed to appoint Commissioners of Tax, at the Court provided for by law, such county or counties shall proceed, at the January, February, or March Courts next succeeding the passage of this act, to make such appointment.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. O. P. Hogan and Anderson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John W. Leathers,	Thomas Rouse,
James P. Barbour,	Thomas P. Linthicum,	Nimrod Routt,
Wm. C. Bullock,	William N. Marshall,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Fitch Munger,	James M. Shepard,
John Eaker,	Hamilton Pope,	Berry Smith,
James W. Hays,	Camden Riley,	William Sterett—22.
Elihu Hogan,		

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	Beriah Magoffin,
Camden M. Ballard,	Overton P. Hogan,	Thomas J. Smith—8.
Joshua Buster,	Alfred Johnston,	

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

THURSDAY, DECEMBER 19, 1850.

A message was received from the House of Representatives, announcing their concurrence in a resolution from the Senate, to furnish the members and officers of the General Assembly with the Debates of the Convention.

That they had passed bills of the following titles, viz:

1. An act to authorize the County Court of Shelby to subscribe stock in roads.

2. An act to amend an act, entitled, an act for the benefit of the Laurel County Seminary, approved February 28, 1835.

3. An act to incorporate the Deposit Bank of Paris, Bourbon county.

4. An act to repeal the third section of the act to amend the laws relating to the town of Frankfort, approved February 21, 1849.

5. An act to incorporate the Henry Female College.

6. An act to authorize the election of certain officers in the town of Maysville.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was referred to the committee on Internal Improvement; the 2d to the committee on Education; the 3d to the committee on Banks; and he 4th, 5th, and 6th were ordered to be read a third time.

The constitutional provision as to the third reading of the 4th, 5th, and 6th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rouse read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the compensation allowed by law to each member of the present General Assembly shall be computed by the Second Auditor from the first day of the session, excepting such as may have been elected since the commencement of the present session, to fill vacancies.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolution was taken up, twice read, and adopted.

Mr. Magoffin moved that a message be sent to the House of Representatives, asking leave to withdraw the report of the concurrence of the Senate in the passage of a bill from that House, with an amendment, entitled, an act in relation to the duties of Assessors of Tax.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum, and Chiles, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	William N. Marshall,
James P. Barbour,	Overton P. Hogan,	Nimrod Routt,
William C. Bullock,	John C. Kouns,	James M. Shepard,
Joshua Buster,	Beriah Magoffin,	William Sterett—13.
Richard C. Graves,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John W. Leathers,	John W. Ritter,
Walter Chiles,	Thomas P. Linthicum,	Thomas Rouse,
Sam. Daviess Delany,	Fitch Munger,	Berry Smith—9.

Mr. Magoffin was directed to bear said message; and after a short time, said bill was returned to the Senate.

Mr. Marshall moved a reconsideration of the vote by which said bill, as amended, was passed.

Mr. Marshall moved to postpone the consideration of said motion until the 9th day of January next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leathers and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	William N. Marshall,
James P. Barbour,	Overton P. Hogan,	Daniel Morgan,
William C. Bullock,	John C. Kouns,	Nimrod Routt,
Joshua Buster,	Beriah Magoffin,	James M. Shepard—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John W. Leathers,	John W. Ritter,
Walter Chiles,	Thomas P. Linthicum,	Thomas Rouse,
Sam. Daviess Delany,	Fitch Munger,	Berry Smith—9.

Mr. Barbour, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act to reduce into one, amend and digest the acts and amendatory acts incorporating the city of Lexington.

An act to repeal part of an act to permit the citizens of Louisa to vote for or against tavern license, and for other purposes.

An act for the benefit of Charles Rice, of Carter county.

An act to incorporate the Savings Bank of Fleming county.

An act to incorporate the Hebrew Beneficial Society of Louisville.

An act to incorporate the town of Hardinsville, in Shelby county.

An act to incorporate the German Roman Catholic St. Alphonsas Leibisbund Benevolent Society, of Louisville.

An act for the benefit of John Lyon, of Monroe county.

An act to incorporate Tompkins Lodge, No. 178.

An act to incorporate Edmunton Division, No. 129, Sons of Temperance.

An act to incorporate the Trustees of the United Baptist Meeting House, in Tompkinsville.

An act for the benefit of Samuel P. Davidson, late deputy Sheriff of Floyd county,

An act for the benefit of James Ashcraft, of Grant county.

An act to incorporate McKee Lodge, No. 144, of Free and Accepted Masons.

An act for the benefit of William Burke, a Justice of the Peace, of Marion county.

An act to require the Attorney General to perform certain duties in regard to the Owingsville and Big Sandy Turnpike Road Company.

An act to incorporate Moore Lodge, No. 96, of Free and Accepted Masons.

An act making provision for running and marking the lines of Cumberland and Adair counties.

An act relative to the town of Cynthiana.

An act for the benefit of James H. and Joseph F. Curd, administrators of E. H. Curd.

An act to appoint M. T. Hall one of the Commissioners to lay off Warren county into Magistrates' and Constables' Districts.

An act for the benefit of William R. Moore, of Todd county.

An act to appoint Oscar Pepper, in the place of Charles Cotton, to lay off Woodford county into Magistrates' and Constables' Districts, and for other purposes.

And enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Lexington and Frankfort Railroad Company, and Louisville and Frankfort Railroad Company.

An act to authorize and require the Trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order.

Resolution authorizing the Second Auditor to issue warrants for the pay of the officers of the General Assembly.

Resolution to furnish the members and officers of the General Assembly with the Debates of the Convention.

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Barbour reported that the committee had performed that duty.

And then the Senate adjourned.

FRIDAY, DECEMBER 20, 1850.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills and resolutions, which originated in that House, of the following titles, viz:

An act for the benefit of William A. Gorham.

An act for the benefit of William Fox.

An act for the benefit of School District, No. 8, Kenton county.

An act to extend the limits of the town of Proctor, in Owsley county.

An act for the benefit of the Pulaski County Seminary.

An act to incorporate the Frankfort Female College.

An act to increase the terms of the Campbell County Court.

An act to amend the several acts incorporating the Versailles and Midway Turnpike Road Company.

An act to repeal the fifth section of the act to amend the laws in relation to the city of Newport, approved March 6, 1850.

An act for the benefit of East Maysville and Railroad Company.

An act for the benefit of James G. Hatcher, committee of Luanna Branham, an idiot of Floyd county.

An act to amend the revenue laws by increasing the tax on nine and ten pin alleys.

An act to incorporate the Maysville and Bull Creek Plank Road Company.

An act for the benefit of David Howell, and others.

An act for the benefit of the town of Bloomfield.

An act for the benefit of William Harman.

An act for the benefit of Robert W. Walker, of Hickman county.

An act giving the Warren County Court jurisdiction over that portion the Salt river road within the limits of Warren county.

An act for the benefit of William Milbourne, Jailer of Marion county.

Resolution to appoint a committee to inquire into the expediency of removing the Seat of Government to Louisville, or some other place.

Resolution calling on the Clerk of the Court of Appeals for the amount of his fees. Approved December 16, 1850.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to amend an act for the benefit of William Joshua Barney and Georgiana, his wife.

That they had passed bills and concurred in resolutions, from the Senate, of the following titles, viz:

An act for the benefit of A. G. Hodges and Thomas S. Page.

An act for the benefit of Iron Masters in Caldwell county.

An act to incorporate the Greenville Institute.

An act for the benefit of Clement Conner, late Sheriff of Montgomery county.

An act to regulate the division of Hancock county into Magistrates' and Constables' districts.

An act to amend the charter of the Clark's Run and Salt River Turnpike Road Company.

A resolution concerning the pay of the members of the General Assembly.

Resolution to add Camden M. Ballard to the committee to visit the Institution for the Blind, and Marine Hospital.

With an amendment to the last named resolution.

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to repeal the third section of the act to amend the laws relating to the town of Frankfort, approved February 21, 1849.

An act to authorize the election of certain officers in the town of Maysville.

And enrolled bills and an enrolled resolution, which originated in the Senate, of the following titles, viz:

An act for the benefit of A. G. Hodges and Thomas S. Page.

An act to regulate the division of Hancock county into Magistrates' and Constables' districts.

An to act to amend the charter of the Clarks's Run and Salt River Turnpike Road Company.

Resolution concerning the pay of the members of the General Assembly.

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

And then the Senate adjourned until Monday, the 6th day of January, 1851.

MONDAY, JANUARY 6, 1851.

1. Mr. Graves presented the petition of sundry citizens of Woodford county, praying the passage of a law to prohibit the license of foreign itinerant peddlers of merchandise.

2. Mr. Leathers presented the petition of sundry citizens of the city of Covington and vicinity, praying the passage of a law incorporating the "Licking Packet Company."

3. Mr. Bullock presented the petition of sundry citizens of Shelby county, praying the passage of a law appropriating $5000, for five years, to aid in colonizing the free negroes of this State in Liberia.

4. Mr. Linthicum presented the petition of John B. Hutchins, administrator of Patrick Duvane, deceased, praying the passage of a law au-

thorizing him to sell certain property devised by the deceased to his brother and sister, for the use of their children.

Which petitions were received, the reading thereof dispensed with, and referred—the 1st and 3d to the committee on Finance; the 2d to the committee on Propositions and Grievances, and the 4th to a select committee consisting of Messrs. Linthicum, Pope, and Barbour.

The Speaker laid before the Senate a communication from the Superintendent of Public Instruction, which is as follows, viz:

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
LEXINGTON, JANUARY, 4, 1851.

SIR: I have the honor to inform the Senate, that in accordance with the resolution of that body, my annual report was placed in the hands of the Public Printer during the recess of the Legislature; and that the body of the report, and a few days afterwards, the appendix to it, will be communicated to the Senate, without delay, in a printed form.

Very respectfully,

RO. J. BRECKINRIDGE,
Superintendent of Public Instruction.

Hon. BEN. E. GREY, *Speaker of the Senate.*

The Speaker laid before the Senate a report from the Commissioners of the Second Kentucky Lunatic Asylum.

[*For Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Leave was given to bring in the following bills, viz:

On motion of Mr. Leathers—1. A bill for the benefit of James Dedman, Sheriff of Kenton county.

On motion of Mr. Speaker (Grey)—2. A bill to provide for the construction of a Railroad from some suitable point on the Mississippi river, in Kentucky, to Louisville.

On motion of same—3. A bill to provide for the construction of a Railroad from some point on the Mississippi river, in Kentucky, to Nashville, Tennessee.

On motion of Mr. Rouse—4. A bill to amend the charter of the Warsaw Turnpike Road Company.

On motion of same—5. A bill for the benefit of William J. Sandford, Sheriff of Boone county.

On motion of Mr. Marshall—6. A bill for the benefit of the Sheriff of Taylor county.

On motion of Mr. Chiles—7. A bill for the benefit of the "Cold Stream Guards," of Northern Kentucky.

On motion of same—8. A bill to amend the road laws of this Commonwealth.

The committee on Finance was directed to prepare and bring in the 1st; the committee on Internal Improvement the 2d, 3d, and 4th; Messrs. Rouse, Ritter, and Leathers, were appointed a committee to prepare and bring in the 5th; Messrs Marshall, Kouns, and Routt, the 6th; Messrs. Chiles, Rouse, and Young, the 7th; and Messrs. Chiles, Morgan, and Marshall, the 8th.

The amendments proposed by the House of Representatives to a resolution from the Senate to add Camden M. Ballard to the committee to visit the Institution for the Blind, and Marine Hospital, were taken up.

Resolved, That the Senate concur in said amendments.

And then the Senate adjourned.

TUESDAY, JANUARY 7, 1851.

1. Mr. Morgan presented the petition of sundry citizens of Fleming county, praying the passage of a law to secure to them the use of a certain graveyard, owned by William Penland.

2. Mr. Wallace presented the petition of sundry citizens of Danville, praying the passage of a law requiring the registration of the births, marriages, and deaths, in this State.

3. Mr. Pope presented the petition of sundry citizens of the city of Louisville, together with a letter from Samuel B. Richardson, praying the passage of a law requiring the registration of births, marriages, and deaths, in this State.

4. Mr. Kouns presented the petition of sundry citizens of Lawrence county, praying the passage of a law to protect the occupants of lands in this State.

5. Mr. Sterett presented the remonstrance of sundry citizens of Grayson county, against the erection of a mill dam across Nolin creek, near its mouth.

Which petitions and remonstrance were received, the reading dispensed with, and referred—the 1st and 4th to the committee on the Judicary; the 5th to the committee on Propositions and Grievances; and the 2d and 3d to a select committee consisting of Messrs. Shepard, Pope, Patterson, Bullock, Munger, and Wallace.

Mr. Bruce, from the committee on Internal Improvement, to whom

was referred a bill from the House of Representatives, entitled, an act to repeal an act declaring Whippoorwill a navigable stream, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bruce, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the Bracken County Court to subscribe to a turnpike road leading from the county seat to Germantown, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

Mr. Marshall, from a select committee, reported a bill for the benefit of the Sheriff of Taylor county, which was read the first time, and ordered to be read a secone time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on Finance.

A message was received from the House of Representatives announcing that they had adopted a resolution requesting the Governor to cause salutes to be fired on the 8th of January and 22d of February next.

Said resolution was taken up, amended, twice read, and concurred in.

After a short time, a message was received from the House of Representatives announcing their concurrence in said amendment.

On motion of Mr. Wallace,

Ordered, That a message be sent to the House of Representatives requesting the appointment of a committee on their part, to act in conjunction with a committee on the part of the Senate, to wait on the Governor and ask leave to withdraw an enrolled bill which originated in the Senate, entitled, an act to amend the charter of the Clark's Run and Salt River Turnpike Road Company.

Ordered, That Mr. Wallace inform the House of Representatives thereof.

After a short time a message was received from the House of Representatives announcing the appointment of a committee on their part.

Whereupon, Mr. Wallace was appointed a committee on the part of the Senate.

After a short time Mr. Wallace reported that the joint committee had performed the duty assigned them, and had withdrawn the said bill, and returned it to the House of Representatives.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—1. A bill to amend the act incorporating the Fire Department of the city of Louisville.

On motion of same—2. A bill to incorporate the Aloysius College, in Louisville.

On motion of same—3. A bill to amend an act, entitled, an act for the benefit of Susan Ann D. Young, approved January 21, 1846.

On motion of same—4. A bill authorizing the Chancellor of the Louisville Chancery Court to direct certain streets in Portland to be closed.

On motion of Mr. Buster—5. A bill to allow an additional magistrate and constable district to Wayne county.

On motion of Mr. Barbour—6. A bill to provide for the construction of a turnpike road from the Rodman Mill Bridge to a point on the Perryville and Lebanon road, near the residence of William Mays.

On motion of Mr. Bruce—7. A bill to correct the settlement made between the State of Kentucky and the School fund, and to authorize the issue of a new State bond for the true amount due to the Board of Education.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d, 3d, and 4th; the committee on County Courts the 5th; the committee on Internal Improvement the 6th; and the committee on Education the 7th.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, JAN. 7, 1851.

Gentlemen of the Senate:

A resolution has been presented for my signature, entitled, "Resolution concerning the pay of the members of the General Assembly," which provides that the compensation to each member of the General Assembly shall be computed by the Second Auditor from the first day of the session, except such as may have been elected, since the present session, to fill vacancies.

By that resolution, I understand the Second Auditor is directed to pay all who were returned as members elect to the General Assembly, three dollars a day, from the beginning of the session.

The Journal of the House of Representatives shows the fact, that one of its members appeared, and was qualified, and took his seat on the fortieth day of the session, and another on the forty-third day of the session.

It is declared by the Constitution, section 24, article 2, "The members of the General Assembly shall severally receive from the Public Treasury a compensation for their services, which shall be three dollars a day, *during their attendance on*, and twelve and a half cents per mile for the

necessary travel in going to, and returning from, the sessions of their respective houses."

I respectfully submit to the General Assembly whether the members who were absent until the fortieth day of the session, can be considered as having been in attendance on the sessions of the Legislature prior to the taking their seats? Can a member elect be presumed to be in attendance on the sessions of the Legislature until he shall have appeared, taken the oath of office, and have entered upon the discharge of his duties as a legislator? If so, a member elect may remain at home during the greater part of the session, attending to his private affairs, and when he shall appear, though it be the last day of the session, he may demand a compensation for his services of three dollars per day for the entire session. It was certainly never designed that such a construction should be given to the Constitution.

Believing that the passage of this resolution would be an exercise of power not warranted by the letter or spirit of the Constitution, I herewith return it to the Senate, in which it originated, with these my objections.

JOHN L. HELM.

Said resolution is as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the compensation allowed by law to each member of the present General Assembly shall be computed by the Second Auditor from the first day of the session, excepting such as may have been elected since the commencement of the present session, to fill vacancies.

The question being taken—"Shall said resolution be adopted, the objections of the Governor to the contrary notwithstanding," it was decided in the negative.

The yeas and nays being taken thereon, in accordance with the constitution, were as follows, viz:

In the affirmative, none.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Camden Riley,
Hall Anderson,	Elihu Hogan,	John W. Ritter,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Nimrod Routt,
John P. Bruce,	John W. Leathers,	Nathaniel P. Saunders,
Joshua Buster,	Thomas P. Linthicum,	James M. Shepard,
Walter Chiles,	Beriah Magoffin,	Berry Smith,
Sam. Daviess Delany,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Daniel Morgan,	Thomas I. Young—29.
Richard C. Graves,	Hamilton Pope,	

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate, and
House of Representatives:

Devotedly attached as Kentucky is to the Union of the States, her citizens, I have no doubt, look with infinite gratification at the popular

demonstrations recently made in different quarters of the Commonwealth, in favor of the construction of Railroads from Louisville to Nashville; from a point on the Ohio or Mississippi, to unite with the Mobile road; from Lexington to Covington, to unite with the Lake roads, and from Lexington to Maysville, thence to Big Sandy, &c.

The proposed roads, though they lie within our own State, are essentially national in their character—while they will more closely unite us with, and more firmly bind us to, our sister States on both sides of us—to the North and to the South—they will add immeasurably to the wealth, the prosperity, and the happiness of our people.

Participating, as I do, in the general feeling of joy that pervades the public mind, at the prospect of a speedy completion of these important enterprises, I beg leave respectfully to suggest the propriety of the adoption, by the General Assembly, of resolutions asking, in the name of Kentucky, that the Congress of the United States shall give to us a share of the unappropriated public domain, to aid us in the construction of these great national highways. The importance of the projected roads to the National Government, as the means of rapid and safe communication between the extremes of the Union, will certainly justify the appropriation suggested. JOHN L. HELM.

Ordered, That said message be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Morgan moved the following resolution, viz:

Resolved, That when the Senate adjourns this day, it will adjourn to meet on Thursday.

And the question being taken on the adoption thereof, it was decided in the negative. So the said resolution was rejected.

Mr. Graves moved the following resolution, viz:

Resolved, That when the Senate adjourns this day, it will adjourn to meet to-morrow morning at 9 o'clock.

Which was adopted.

A bill from the House of Representatives, entitled, an act to reduce the corporate limits of the town of Monticello, came up in the orders of the day.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, JANUARY 8, 1851.

1. Mr. Kouns presented the petition of Elias P. Davis, Sheriff of Carter county, praying the passage of a law allowing him further time to pay his revenue tax into the Treasury.

2. Mr. B. Smith presented the petition of the Commissioners appointed to divide Pulaski county into Districts for the election of Magistrates and Constables, praying the passage of a law allowing an additional District to said county.

Which petitions were received, the reading thereof dispensed with, and referred—the 1st to the committee on Finance; and the 2d to the committee on County Courts.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined an enrolled resolution, which originated in the House of Representatives, requesting the Governor to cause salutes to be fired on the 8th of January and 22d of February next, and had found the same truly enrolled.

Said resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Patterson—1. A bill for the benefit of the heirs of Thomas W. Peck, of Caldwell county.

On motion of Mr. Rouse—2. A bill to incorporate the Farmers Turnpike Road Company.

On motion of same—3. A bill to revive the charter of the Burlington and Dry Creek Road Company.

On motion of Mr. Sterett—4. A bill to incorporate the Breckinridge Savings Bank.

On motion of Mr. Eaker—5. A bill to incorporate the Mayfield Presbyterial Seminary.

On motion of Mr. Hays—6. A bill to change the time of the meeting of the General Assembly.

The committee on the Judiciary was directed to prepare and bring in the 1st and 6th; the committee on Banks the 4th, and the committee on Education the 5th.

Mr. Bullock, from the committee on County Courts, reported a bill allowing an additional District in Wayne county for the election of Magis-

trates and Constables, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was amended.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill, as amended, do pass, and that the title thereof be amended to read, "an act allowing an additional District in Wayne and Pulaski counties, for the election of Magistrates and Constables, and for other purposes."

Mr. Delany, from the committee on Banks, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Deposit Bank of Paris, Bourbon county, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

Mr. Graves presented a substitute, which he intended to offer in lieu of the bill to equalize the compensation for the collection of the revenue tax.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

And then the Senate adjourned.

THURSDAY, JANUARY 9, 1851.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

An act authorizing the publication of judicial orders and sales in the public newspapers.

An act to confirm a sale to S. S. Atwell, by the Second Auditor, of a house and lot in Brandenburg.

An act to amend an act, entitled, an act to amend the charter of the town of Bowling-Green, approved 5th March, 1850.

An act to establish the Police Court of Flemingsburg.

An act to amend an act, entitled, an act for the benefit of the soldiers of the late war with England, &c.

An act for the benefit of Allen C. Scott.

An act to incorporate Warren Lodge, No. 110, of Free and Accepted Masons.

An act to amend the police law of the town of Bedford, in Trimble county.

1. Mr. Bullock presented the petition of James N. Underwood, praying the passage of a law allowing him a change of venue.

2. Mr. Bullock also presented a memorial in relation to the claim of John Trimble against the state for the amount of a warrant issued to him as one of the Judges of the Court of Appeals.

3. Mr. Buster presented the petition of the members of Wayne Lodge, No. 119, praying an act of incorporation.

4. Mr. Magoffin presented the petition of sundry citizens of the town of Harrodsburg, praying a repeal of the act of last session, extending the limits of said town.

5. Mr. Magoffin also presented the petition of Samuel G. Mullins, praying that certain taxes paid by him on his Seminary lands, may be refunded.

Which petitions and memorial were received, the reading dispensed with, and referred—the 1st, 2d and 3d to the committee on the Judiciary; the 4th to the committee on Propositions and Grievances, and the 5th to the committee on Finance.

And then the Senate adjourned.

FRIDAY, JANUARY 10, 1851.

1. Mr. Linthicum presented the petition of Jane E. Pottinger, devisee of James W. Pottinger, deceased, praying the passage of a law confirming the sale of certain slaves made by her to Wade H. Moore.

2. Mr. Buster presented the petition of sundry citizens of Wayne county, praying the passage of a law to prohibit the license of foreign itinerant peddlers of merchandise.

3. Mr. Magoffin presented the petition of sundry citizens of Mercer county, praying the passage of a law appropriating $5,000, for five years, to colonize the free negroes of this State, in Liberia.

4. Mr. Wallace presented the petition of sundry citizens of Boyle county, for the same object.

5. Mr. Eaker presented the petition of sundry citizens of Graves county, praying the passage of a law to change the State road leading from Canton to Hickman.

6. Mr. Pope presented the petition of J. B. O'Bannon, asking the privilege of keeping a tavern without license.

7. Mr. Rouse presented the petition of sundry citizens of Carroll and Owen counties, praying the passage of a law incorporating a company to build a toll bridge over Eagle Creek, near "the Narrows."

8. Mr. Bruce presented the petition of James F. Miller, praying the passage of a law to exempt him from paying toll at the Rockcastle gate, on the Wilderness road.

9. Mr. E. Hogan presented a report, showing the condition of the Northern Bank of Kentucky and branches, for six months ending December 31, 1850.

Which petitions and report were received, the reading dispensed with, and referred—the 1st to a select committee, consisting of Messrs. Linthicum, Pope and Hays; the 2d, 3d and 4th, to the committee on Finance; the 5th, 7th and 8th, to the committee on Internal Improvement; the 6th to the committee on Propositions and Grievances, and the 9th to the committee on Banks.

The Speaker laid before the Senate the annual report of the Second Auditor, which is as follows, viz:

AUDITOR' OFFICE, REVENUE DEPARTMENT,
Frankfort, 10th January, 1851.

SIR: I enclose you the annual report from this Department, for the fiscal year 1849–50.

I am, respectfully,

THO. S. PAGE, *Second Auditor.*

Hon. BEN. E. GREY, *Speaker of the Senate.*

[*For Report—see Legislative Documents.*]

Mr. Bruce, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act authorizing elections of officers of the Glasgow and Scottsville Turnpike Road, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

Mr. Rouse, from a select committee, reported a bill for the benefit of William J. Sanford, Sheriff of Boone county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, reported a bill for the benefit of the Sheriff of Kenton county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the secod reading of said bill being dispensed with, it was amended.

Ordered, That said bill be recommitted to the committee on Finance.

Mr. Chiles, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Caldwell county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Leathers—1. A bill to prevent free negroes from retailing spirituous liquors in Kenton county.

On motion of Mr. Wallace—2. A bill for the benefit of David A. Knox.

On motion of Mr. Bullock—3. A bill for the benefit of Col. R. T. P. Allen, and his securities, on a bond for the return of public arms.

On motion of Mr. Irwin—4. A bill to take the sense of the people of this Commonwealth upon the propriety of subscribing stock to construct the Louisville and Nashville Railroad.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Finance the 2d; Messrs. Bullock, Pope, and Munger, were appointed a committee to prepare and bring in the 3d; and Messrs. Irwin, Hays, Pope, and T. J. Smith the 4th.

Mr. Young moved the following resolution, viz:

Resolved, That the Second Auditor furnish the Senate with the amount paid, annually, to the Governor from 1832 up to the present time; and what salary has been paid, annually, to the Judges of the Court of Appeals for the same time; and the salaries paid to the Circuit Court Judges, annually, for the same time; Attorneys for the Commonwealth, First and Second Auditors, Treasurer, Register of the Land Office, and all other salaried officers who draw their annual salary out of the public treasury.

Which was adopted.

Mr. Speaker (Grey,) with the consent of the Senate, read and laid on the table the following preamble and resolution, viz:

The Congress of the United States having, heretofore, appropriated money for the erection of wing-dams at certain points on the Ohio river, and such dams having been erected in the years 1833 and 1834, thereby greatly improving the navigation of said stream; but the dam erected across the north-western part of said river, at the head of Cumberland Island, near the mouth of the Cumberland river, having been partially destroyed by large masses of floating ice and drift, and thereby rendering the navigation at that point at all times dangerous, and, in low water, impracticable, except with the smallest class of boats, and with such only at much expense and great danger to life and property. In view of the commerce upon the Ohio river and its tributaries—of the great extent of country interested in said commerce—of the losses, interruptions, and embarrassments to which it is subjected, in consequence of obstructions, which might be removed at a comparatively small outlay of money, it is the duty, as we conceive, of the general government to cause such obstructions to be removed. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our senators in congress be instructed and our representatives be requested to endeavor to procure the passage of a law by congress, providing the ways and means for the improvement of the navigation of the Ohio river, and especially for the removal of the obstructions near the mouth of the Cumberland river aforesaid, by re-building said dam or otherwise; and that his excellency the governor of this commonwealth be requested to transmit a copy hereof to each of our senators and representatives in congress.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said preamble and resolution were taken up.

Ordered, That said preamble and resolution be made the special order of the day, in committee of the whole, for Monday the 20th instant, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent

Charles S. Waller to be Clerk of the Penitentiary.

Charles H. Mooar, to be Notary Public for Kenton county.

John Dougherty to be Notary Public for Nicholas county.

Hull Higginson, to be Sheriff of Henderson county, to fill the vacancy occasioned by the failure of the County Court to nominate.

Thomas Brown, to be Sheriff of Henry county, to fill the vacancy occasioned by the failure of the County Court to nominate.

John T. Waddell, to be Sheriff of Lewis county, to fill the vacancy occasioned by the resignation of Robert Means.

John Donan, to be Sheriff of Hart county, to fill the vacancy occasioned by the refusal of David Highbaugh to accept.

John W. Menzies to be Notary Public for Kenton county.
January 9, 1851. JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

The Senate, according to order, took up for consideration the bill to amend the Common School law.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the laws in relation to common schools be and the same are hereby so amended as to admit children from the ages of *seven* to eighteen years old, inclusive, into said schools, instead of those from the ages of five to sixteen years, as now provided.

§ 2. That the commissioners of tax in the several counties in this commonwealth be and they are hereby required to make the enumeration of the common school children of the State, in accordance with the foregoing section.

§ 3. That until such enumeration shall have been made, the Superintendent of Public Instruction may use the present enumeration as the basis for determining the amount of money distributed per scholar to the various school districts of the State.

Mr. O. P. Hogan moved to amend the first section of said bill by striking out the word "*seven*," printed in italics, and inserting in lieu thereof the word "*five*."

Mr. O. P. Hogan moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Barbour, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Richard C. Graves,	Fitch Munger,
Camden M. Ballard,	James W. Hays,	John W. Ritter,
John P. Bruce,	Elihu Hogan,	Thomas Rouse,
Wm. C. Bullock,	Overton P. Hogan,	Nimrod Routt,
Joshua Buster,	James W. Irwin,	Berry Smith,
Walter Chiles,	John C. Kouns,	Thomas J. Smith,
John Eaker,	Thomas P. Linthicum,	Thomas I. Young—23.
Abijah Gilbert,	Daniel Morgan,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Robert S. Russell,
James P. Barbour,	William N. Marshall,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Robert A. Patterson,	James M. Shepard,
Alfred Johnston,	Hamilton Pope,	William Sterett,
John W. Leathers,	Camden Riley,	Caleb B. Wallace—15.

The Senate, according to order, took up for consideration the motion made by Mr. Marshall on the 19th of December, to reconsider the vote by which a bill from the House of Representatives, entitled, an act in relation to the duties of Assessors of Tax, was passed as amended.

Mr. Marshall withdrew said motion.

Mr. Saunders renewed the motion to reconsider said vote.

And the question being taken thereon, it was decided in the negative.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act authorizing the publication of judicial orders and sales in the public newspapers.

An act to confirm a sale to S. S. Atwell by the Second Auditor of a house and lot in Brandenburg.

An act to amend an act, entitled, an act to amend the charter of the town of Bowlinggreen, approved 5th March, 1850.

An act to establish the Police Court of Flemingsburg.

An act to amend an act, entitled, an act for the benefit of the soldiers of the late war with England, &c.

An act for the benefit Allen C. Scott.

An act to incorporate Warren Lodge, No. 110, of Free and Accepted Masons.

An act to amend the police law of the town of Bedford, in Trimble county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred to the committee on the Judiciary.

Mr. Bruce moved the following preamble and resolution, viz:

Whereas, the Senate has this day been apprized of the death of Daniel Cain, Esq., a member of the House of Representatives, from the county of Whitley, who died at his residence, in said county, since the late recess of this General Assembly. Therefore,

Resolved, That in respect to the memory of the deceased, the Senate do now adjourn.

Which were *unanimously* adopted.

SATURDAY, JANUARY 11, 1851.

A message was received from the House of Representatives announcing that they had passed bills from the Senate of the following titles, viz:

An act to amend an act, entitled, an act for the benefit of Common Schools in Graves county, and for other purposes.

An act to incorporate Hancock Division, No. 12, Sons of Temperance, of the State of Kentucky.

An act for the benefit of Ephraim Smith.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

1. An act to incorporate the Hall of Simpson Division, No. 75, Sons of Temperance.

2. An act for the benefit of Jesse Cassity, late Sheriff of Morgan county.

3. An act to repeal so much of an act, approved February 23, 1849, as declares Three Mile Creek, in Lawrence county, a navigable stream.

4. An act to enlarge the limits of the town of New Market, in Marion county.

5. An act to incorporate Magnolia Lodge, No. 201, of Free and Accepted Masons.

6. An act to extend the duty of Commissioners of Tax.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st, 4th, and 5th, were referred to the committee on the Judiciary; the 2d and 6th to the committee on Finance; and the 3d to the committee on Internal Improvement.

1. Mr. Wallace presented the petition of the Board of Trustees of the Kentucky Deaf and Dumb Asylum, asking an appropriation to add to the buildings of said Asylum.

2. Mr. Eaker presented the petition of George W. Himes, agent for the heirs of Robert Morris, praying the passage of a law to remit the taxes on certain lands in this State.

Which petitions were received, the reading dispensed with, and referred to the committee on Finance.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—1. A bill to incorporate Wayne Lodge, No. 119, of Free and Accepted Masons.

By Mr. Bruce, from the committee on Internal Improvement—2. A bill to amend the act incorporating the Warsaw Turnpike Road Company.

By Mr. Irwin, from a select committee—3. A bill to amend the charter of the Southern Bank of Kentucky.

By Mr. Pope, from a select committee—4. A bill appropriating money to complete the improvement of the rivers and turnpike roads, and subscribing stock in railroads, and to submit the same to the people.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 2d were ordered to be engrossed and read a third time; the 3d was referred to the committee on Banks; and the 4th was made the special order of the day, in committee of the whole, for Tuesday the 21st instant.

The constitutional provision as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer print 150 copies of the 3d and 4th bills for the use of the General Assembly.

By Mr. Chiles, from the committee on Finance, to whom was referred a bill for the benefit of the Sheriff of Taylor county, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Estill Seminary, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

Mr. Wallace, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act for the benefit of the Laurel County Seminary, approved February 28, 1835, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hays, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to confirm a sale made to S. S. Atwell by the Second Auditor, of a house and lot in Brandenburg, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the city of Coving-

ton, praying an act of incorporation for the Licking Packet Company, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said petition be referred to the committee on the Judiciary.

Mr. Eaker, from the committee on Finance, to whom was recommitted a bill for the benefit of the Sheriff of Kenton county, reported the same without amendment.

Said bill is as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Kenton county be allowed the further time until the 10th day of April next, to pay into the treasury the balance of the revenue due from said county for the year 1850: *Provided*, That the securities of said Sheriff shall file their consent, in writing, in the Kenton County Court, and the same be certified to the Second Auditor by the 1st day of Februaty next.

§ 2. That the Sheriff of Caldwell county be allowed until the first day of March next to collect and pay into the treasury the balance of the revenue for the year 1850: *Provided*, That the securities of said Sheriff shall agree thereto in open court, at the next February term thereof, and have the same entered upon the records.

Mr. O. P. Hogan moved to amend said bill by adding thereto the following section, viz:

§ 3. That nothing in this act shall be so construed as to prevent judgment being given against said Sheriffs and their securities; but execution shall not issue until the first of April next, against said Sheriffs and their securities.

Mr. Linthicum moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Leathers and Hays, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Fitch Munger,
James P. Barbour,	James W. Hays,	John W. Ritter,
John P. Bruce,	Elihu Hogan,	James M. Shepard,
William C. Bullock,	James W. Irwin,	Berry Smith,
Joshua Buster,	Thomas P. Linthicum,	William Sterett,
Sam. Daviess Delany,	William N. Marshall,	Thomas I. Young—19.
Abijah Gilbert,		

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	Thomas Rouse,
Camden M. Ballard,	John W. Leathers,	Nimrod Routt,
Walter Chiles,	Beriah Magoffin,	Nathaniel P. Saunders,
John Eaker,	Robert A. Patterson,	Thomas J. Smith,
Overton P. Hogan,	Hamilton Pope,	Caleb B. Wallace—17.
Alfred Johnston,	Camden Riley,	

Mr. Marshall moved to reconsider the vote by which said bill and amendment were laid on the table.

Ordered, That the further consideration of said motion be postponed until Wednesday, the 15th instant.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent,

Nimrod D. Wheeler, to be sheriff of Pendleton county, in the place of Kennedy Blackburn, who refuses to accept.

January 11, 1851. JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

Leave was given to bring in the following bills, viz:

On motion of Mr. O. P. Hogan—1. A bill for the benefit of Thomas Garrard, of Pendleton county.

On motion of same—2. A bill to revive the law of 1816, which allotted hands to work on Licking river.

On motion of Mr. Munger—3. A bill to amend the charter of the Maysville and Lexington Railroad Company.

On motion of Mr. Saunders—4. A bill to amend the penal laws of this Commonwealth.

On motion of Mr. Pope—5. A bill to change the number of Magistrates' and Constables' Districts in Jefferson county.

On motion of Mr. Magoffin—6. A bill to amend the law incorporating the town of Salvisa.

On motion of Mr. Bruce—7. A bill to appoint two additional Trustees of the Rockcastle Seminary, and for other purposes.

On motion of Mr. Irwin—8. A bill to provide for the collection of tolls coming to the State upon the several Turnpike Roads and Slackwater Improvements, and to prevent frauds upon the revenue derived from those sources.

The committee on Finance was directed to prepare and bring in the 1st; the committee on Internal Improvement the 2d and 3d; the committee on the Judiciary the 4th and 5th; the committee on County Courts the 6th; the committee on Education the 7th; and Messrs. Irwin, Riley, and Ritter were appointed a committee to prepare and bring in the 8th.

Mr. Eaker moved the following resolution, viz:

Resolved, That the committee on Education be directed to enquire into the necessity of so amending the law in relation to Common Schools as to provide for the reinvestment of any balance of the income of the School Fund as may not be called for, for Common School purposes, for

the benefit of such counties as shall fail to adopt the system in whole or in part, and report by bill or otherwise.

Which was adopted.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed enrolled bills and an enrolled resolution which originated in the Senate, of the following titles, viz:

An act to incorporate the Deposit Bank of Covington.

Approved December 16, 1850.

An act for the benefit of Edward Artsman, of Bracken county.

An act for the benefit of the town of Ghent, in Carroll county.

An act to establish a ferry across the Ohio river, at Milton.

An act fixing the time for holding the charter election for the city of Covington.

An act for the benefit of Col. Edward Brooks, of the State of Michigan.

An act to establish a Police Court in the town of Hardinsburg.

An act for the benefit of the city of Lexington.

An act to amend the charter of the Ghent and Eagle Creek Turnpike Road Company.

An act to incorporate the Maysville and Big Sandy Railroad Company. Approved December 18, 1850.

An act to regulate the division of Hancock county into Magistrates' and Constables' districts.

An act for the benefit of A. G. Hodges and Thomas S. Page.

An act to amend the charter of the Lexington and Frankfort Railroad Company, and Louisville and Frankfort Railroad Company.

An act to authorize and require the Trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order.

Resolution authorizing the Second Auditor to issue warrants for the pay of the officers of the General Assembly.

Approved December 21, 1850.

That the Governor had failed to approve and return within the time prescribed by the Constitution a resolution, which originated in the Senate, to furnish the members and officers of the General Assembly with the Debates of the Convention, whereby the same had become a law.

The amendment proposed by the House of Representatives, to a resolution from the Senate, of instruction to the committee on Banks, was then taken up.

Said amendment is as follows, viz:

Resolved, That the committees on the Lunatic Asylum, Deaf and Dumb Asylum, and Institution for the Blind, and Marine Hospital, be also instructed to open correspondence with those Institutions upon the subject of their condition and prosperity, for the information of the General As-

sembly; and that said correspondence shall supercede the necessity of visiting said Institutions in person.

Mr. Graves moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall said amendment be concurred in?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wallace and Pope, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	John W. Ritter,
Hall Anderson,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Nimrod Routt,
William C. Bullock,	John W. Leathers,	Nathaniel P. Saunders,
Joshua Buster,	Thomas P. Linthicum,	James M. Shepard,
Sam. Daviess Delany,	Fitch Munger,	Berry Smith,
Richard C. Graves,	Robert A. Patterson,	William Sterett,
James W. Hays,	Camden Riley,	Thomas I. Young—24.

Those who voted in the negative, were

Camden M. Ballard,	Overton P. Hogan,	Daniel Morgan,
John P. Bruce,	James W. Irwin,	Hamilton Pope,
Walter Chiles,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	William N. Marshall,	Caleb B. Wallace—12.

The amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act for the benefit of Ephraim Smith, was taken up, twice read, and concurred in.

And then the Senate adjourned.

MONDAY, JANUARY 13, 1851.

A message was received from the House of Representatives announcing their disagreement to the amendment proposed by the Senate to a bill from that House, entitled, an act in relation to the duties of Assessors of Tax.

That they had passed bills from the Senate of the following titles, viz:

An act for the benefit of William J. Sandford, Sheriff of Boone county.

An act allowing an additional district in Wayne and Pulaski counties for the election of Magistrates and Constables, and for other purposes.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of Horatio Fields, the son of Thomas J. Fields, of Bath county.

An act to regulate the days of grace on negotiable paper.

An act to incorporate the Mount Zion Cumberland Presbyterian Church, in Henderson county.

An act to authorize the County Court of Nicholas county to change, alter, or discontinue a State road in said county.

That they had received official information that the Governor had approved and signed enrolled bills and an enrolled resolution which originated in that House of the following titles, viz:

An act to incorporate Moore Lodge, No. 96, of Free and Accepted Masons.

An act to incorporate McKee Lodge, No. 144, of Free and Accepted Masons.

An act for the benefit of Charles Rice, of Carter county.

An act to incorporate the German Roman Catholic St. Alphonsas Leibisbund Benevolent Society, of Louisville.

An act for the benefit of William Burke, a Justice of the Peace, of Marion county.

An act to appoint M. T. Hall one of the Commissioners to lay off Warren county into Magistrates' and Constables' Districts.

An act to incorporate the town of Hardinsville, in Shelby county.

An act to incorporate Tompkins Lodge, No. 178.

Approved December 18, 1850.

An act to reduce into one, amend and digest the acts and amendatory acts incorporating the city of Lexington.

An act to repeal the third section of the act to amend the laws relating to the town of Frankfort, approved February 21, 1849.

Approved December 20, 1850.

An act for the benefit of James H. and Joseph F. Curd, administrators of E. H. Curd.

An act to appoint Oscar Pepper, in the place of Charles Cotton, to lay off Woodford county into Magistrates' and Constables' Districts, and for other purposes.

An act for the benefit of Samuel P. Davidson, late deputy Sheriff of Floyd county,

An act for the benefit of John Lyon, of Monroe county.

An act for the benefit of James Ashcraft, of Grant county.

An act to repeal part of an act to permit the citizens of Louisa to vote for or against tavern license, and for other purposes.

An act to authorize the election of certain officers in the town of Maysville.

An act for the benefit of William R. Moore, of Todd county.

An act to require the Attorney General to perform certain duties in regard to the Owingsville and Big Sandy Turnpike Road Company.

An act to incorporate the Trustees of the United Baptist Meeting House, in Tompkinsville.

An act making provision for running and marking the lines of Cumberland and Adair counties.

An act relative to the town of Cynthiana.

An act to incorporate the Hebrew Beneficial Society of Louisville.

An act to incorporate the Savings Bank of Fleming county.

An act to incorporate Edmonton Division, No. 129, Sons of Temperance.

Approved December 21, 1850.

Resolution requesting the Governor to cause salutes to be fired on the 8th of January and 22d February next.

Approved January 8th, 1851.

1. Mr. Morgan presented the petition of sundry citizens of Fleming, Morgan, and Carter counties, praying for the formation of a new county out of parts thereof.

2. Mr. Morgan also presented the remonstrance of sundry citizens of Fleming county against the formation of a new county out of parts of Fleming, Morgan, and Carter counties.

3. Mr. Hays presented the petition of sundry citizens of Hardin county, praying the passage of a law to prohibit the license of foreign itinerant peddlers of merchandise.

Which petitions and remonstrance were received, the readings dispensed with, and referred—the 1st and 2d to the committee on Propositions and Grievances; and the 3d to the committee on Finance.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act authorizing the publication of judicial orders and sales in the public newspapers, reported the same without amendment.

Ordered, That the further consideration of said bill be postponed, and made the special order of the day for Friday, the 17th instant.

Mr. Pope, from the same committee, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to establish the Police Court of Flemingsburg.

An act to amend an act, entitled, an act to amend the charter of the town of Bowlinggreen, approved 5th March, 1850.

An act for the benefit of Allen C. Scott.

An act to incorporate Warren Lodge, No. 110, of Free and Accepted Masons.

Reported the same with an amendment to the last named bill, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, the last as amended, and that the titles thereof be as aforesaid.

Mr. Ritter, from the same committee, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to incorporate Magnolia Lodge, No. 201, of Free and Accepted Masons.

An act to incorporate the Hall of Simpson Division, No. 75, Sons of Temperance.

An act to enlarge the limits of the town of New Market, in Marion county.

Reported the same, with an amendment to the first bill, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, (the first as amended,) and that the titles thereof be as aforesaid.

Mr. Hays, from the same committee, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to amend an act, entitled, an act for the benefit of the soldiers of the late war with England, &c.

An act to incorporate Curd Lodge, No. 175.

An act to amend the police law of the town of Bedford, in Trimble county.

An act to incorporate Somerset Royal Arch Chapter, No. 25.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ritter, from the same committee, to whom was referred leave to bring in a bill to amend the penal laws, asked to be discharged from the further consideration thereof, which was granted.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, approved November 18, 1850, to settle the divid-

ing line of Estill and Owsley counties, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate the Mount Gilead and Mount Carmel Turnpike Road Company.

An act to repeal so much of an act, approved February 23, 1849, as declares Three Mile Creek, in Lawrence county, a navigable stream.

Reported the same, with an amendment to the first bill, which was concurred in.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That bills do pass, (the 1st as amended,) and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jesse Cassity, late Sheriff of Morgan county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Linthicum, from a select committee, reported a bill for the benefit of the children and heirs of Michael Duvane and Penelope Thornton, deceased, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary, a bill to amend the act incorporating the Fire Department of the city of Louisville.

By same, a bill to incorporate the St. Aloysius College, in Louisville.

By same, a bill allowing an additional district in Jefferson county for the election of Justices of the Peace and Constables.

By same, a bill authorizing the Chancellor of the Louisville Chancery Court to direct certain streets in Portland to be closed.

By Mr. Magoffin, from a select committee, a bill to reduce the number of districts in Mercer county for the election of Justices of the Peace and Constables.

By Mr. Irwin, from the committee on Internal Improvement, a bill to amend the act incorporating the Maysville and Lexington Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Young—1. A bill to incorporate a company to construct a railroad from Lexington, by way of Owingsville, to the mouth of Big Sandy river.

On motion of Mr. Morgan—2. A bill for the benefit of William C. Halbert, late Sheriff of Lewis county.

On motion of Mr. Irwin—3. A bill for the benefit of Mrs. Anna Ellis, of Todd county.

On motion of Mr. Bruce—4. A bill for the benefit of the Logan, Todd, and Christian Turnpike Road.

The committee on Internal Improvement was directed to prepare and bring in the 1st and 4th; and the committee on the Judiciary the 2d and 3d.

Mr. Wallace moved the following resolution, viz:

Resolved, That the committee on Finance be instructed to inquire into the propriety and expediency of requiring the Assessors of Tax to return the names and nearest post offices of each deaf and dumb mute in their respective counties.

Which was adopted.

Mr. Magoffin moved the following preamble and resolution, viz:

Whereas, much business is accumulating in this body which can be postponed without injury. Therefore,

Resolved, That the action of the Senate, after Monday next, (20th inst.) shall, hereafter, be confined—first to the passage of such laws as are *indispensably* necessary to carrying the Constitution of Kentucky into successful operation, and thereafter to such other business as may be deemed advisable.

Which were adopted.

Mr. Irwin moved the following resolution, viz:

Resolved, That the Auditor of Public Accounts be requested to report

to the Senate the several turnpike road companies who have failed to make reports to his office during last year; also, the date of the *last reports* of the several turnpike road companies; also, the names of the Presidents and Treasurers of the turnpike companies in which the State may have stock; also, the proportion of Stock held by the State in each of said roads.

Which was adopted.

Mr. Gilbert had leave to withdraw from the files of the Senate certain papers relative to the removal of the county seat of Owsley county, and they were referred to the committee on Propositions and Grievances.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act allowing an additional district in Wayne and Pulaski counties, for the election of Magistrates and Constables, and for other purposes, were taken up, twice read, and concurred in.

Resolved, That the Senate insist on their amendment to a bill from the House of Representatives, entitled, an act in relation to the duties of Assessors of Tax.

The Senate, according to order, took up for consideration the bill to equalize the compensation for the collection of the revenue tax, and the amendment as a substitute therefor proposed by the committee on Finance.

Said bill is as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the revenue tax for the preceding year shall be due and payable into the treasury of this Commonwealth on the first Monday in January in each and every year; and any Sheriff failing or refusing to pay the same into the treasury, on or before that day, shall be chargeable with, and required to pay the legal interest on the same, from the time it is due until paid; and it shall be the duty of the Auditor, when settling with any Sheriff who has failed to pay his revenue when due, to charge and collect from such Sheriff the legal interest on the same from the time it was due until paid: *Provided*, any Sheriff shall be authorized to deposit his revenue in any bank or branch bank now established in this Commonwealth; said deposit to be made to the credit of the branch bank in Frankfort, for the benefit of the treasury of this Commonwealth, on account of revenue collected by ————, Sheriff for the county of ——, for the year ——; and any sum so deposited shall be held and regarded as a payment into the treasury, unless the Governor for the time being should, by his proclamation, order and direct otherwise.

§ 2. That it shall be the duty of the Auditor, hereafter, to allow each of the collectors of the revenue tax the following commissions, viz: for the first thousand dollars collected and paid into the treasury, a commission of seven and one half per cent., and all sums over one thousand dollars, a commission of four per cent.

The amendment proposed by the committee on Finance, as a substitute for said bill, was amended to read as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the revenue tax for the preceding year shall be due and payable into the treasury of this Commonwealth on the first Monday in January in each and every year; and any Sheriff failing or refusing to pay the same into the treasury, on or before that day, shall be chargeable with, and required to pay the legal interest on the same, from the time it is due until paid; and it shall be the duty of the Auditor, when settling with any Sheriff who has failed to pay his revenue when due, to charge and collect from such Sheriff the legal interest on the same from the time it was due until paid: *Provided*, any Sheriff shall be authorized to deposit his revenue in any bank or branch bank now established in this Commonwealth; said deposit to be made to the credit of the branch bank in Frankfort, for the benefit of the treasury of this Commonwealth, on account of revenue collected by ————, Sheriff for the county of ——, for the year ——; and any sum so deposited shall be held and regarded as a payment into the treasury, unless the Governor for the time being should, by his proclamation, order and direct otherwise.

§ 2. That the Sheriffs of the several counties of this Commonwealth shall receive, for collecting the revenue, the following commissions, to-wit: on every dollar collected, until the revenue reaches one thousand dollars, *ten* cents; on every dollar after the first one thousand dollars, and until the revenue reaches two thousand dollars, six cents; on every dollar after two thousand dollars, and until the revenue reaches three thousand dollars, five cents; on every dollar after three thousand dollars, and until the revenue reaches four thousand dollars, four cents; and on every dollar above four thousand dollars, three cents.

Mr. Hays moved to amend said substitute, in the second section, by striking out the word "*ten*," printed in italics, and inserting in lieu thereof the words "*seven and one half*."

Mr. Leathers moved to postpone the further consideration of said bill and amendments until Saturday, the 18th instant.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and Young, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John W. Leathers,	Hamilton Pope,
Camden M. Ballard,	Thomas P. Linthicum,	Camden Riley,
James P. Barbour,	William N. Marshall,	John W. Ritter,
William C. Bullock,	Daniel Morgan,	Robert S. Russell,
Walter Chiles,	Robert A. Patterson,	James M. Shepard—16.
Alfred Johnston,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Thomas Rouse,
John P. Bruce,	Overton P. Hogan,	Nathaniel P. Saunders,
Joshua Buster,	James W. Irwin,	Berry Smith,
Sam. Daviess Delany,	John C. Kouns,	Thomas J. Smith,
Abijah Gilbert,	Beriah Magoffin,	William Sterett,
Richard C. Graves,	Fitch Munger,	Thomas I. Young—18.

Mr. Patterson moved to lay said bill and amendments on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Irwin and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Robert A. Patterson,
Hall Anderson,	Thomas P. Linthicum,	Hamilton Pope,
James P. Barbour,	Daniel Morgan,	John W. Ritter,
Wm. C. Bullock,	Fitch Munger,	James M. Shepard—13.
Richard C. Graves,		

Those who voted in the negative, were

Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
John P. Bruce,	Alfred Johnston,	Robert S. Russell,
Joshua Buster,	John C. Kouns,	Nathaniel P. Saunders,
Walter Chiles,	John W. Leathers,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Camden Riley,	Thomas I. Young—22.
Overton P. Hogan,		

And then the Senate adjourned.

TUESDAY, JANUARY 14, 1851.

A message was received from the House of Representatives announcing that they had passed bills from the Senate of the following titles, viz:

An act for the benefit of William R. Gough, of Graves county.

An act to reduce the number of districts in Mercer county for the election of Justices of the Peace and Constables.

An act to authorize the county of Fayette and city of Lexington to subscribe stock in railroad companies.

An act to amend the charter of the Clark's Run and Salt River Turnpike Road Company.

An act allowing an additional district in Jefferson county for the election of Justices of the Peace and Constables.

With amendments to the last three named bills.

That they had concurred in a resolution from the Senate fixing a day for the election of public officers.

That they had passed bills of the following titles, viz:

1. An act to authorize the trustees of Paris to levy a tax upon the property of the citizens of said town, and upon the property within one mile of said town, to aid in the construction of the Covington and Lexington Railroad.

2. An act for the benefit of the Clerk of the Union County Court.

3. An act to amend an act to incorporate the town of Mayslick, in Mason county, approved February 1, 1837.

4. An act to revive the corporate powers, and to authorize the rebuilding of the meeting house of Mount Tabor Church, in Estill county.

5. An act to establish an additional Justices' and Constables' district in Fulton county.

6. An act to amend the charter of the city of Augusta.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was referred to the committee on Internal Improvement; the 2d and 6th to the committee on Finance; the 3d to the committee on the Judiciary; the 4th to the committee on Religion; and the 5th was ordered to be read a third time.

The constitutional provision as to the third reading of the 5th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

1. Mr. Kouns presented the remonstrance of sundry citizens of Carter county, against the formation of a new county out of parts of Fleming, Morgan, and Carter counties.

2. Mr. Pope presented the remonstrance of sundry citizens of Hardin county against the formation of Barbour county.

3. Mr. Shepard presented the petition of sundry citizens of the city of Covington, praying the passage of a law requiring the registration of births, marriages, and deaths.

4. Mr. Shepard also presented the petition of sundry citizens of the city of Maysville, for the same object.

Which remonstrances and petitions were received, the reading dispensed with, and referred—the 1st and 2d to the committee on Propositions and Grievances; and the 3d and 4th to a select committee consisting of Messrs. Shepard, Pope, Patterson, Bullock, Munger, and Wallace.

The Speaker laid before the Senate the annual report of the Commissioners of the Sinking Fund, which is as follows, viz:

To the General Assembly of Kentucky:

The Commissioners of the Sinking Fund herewith transmit their annual report.

January 14, 1851. JOHN L. HELM, *Ch'm.*

[*For Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on the Sinking Fund, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Young, from the committee on Privileges and Elections, made the following report, viz:

The committee on Privileges and Elections have had under consideration the returns from the several Senatorial Districts in this Commonwealth, and report the following Senators elected at the August election, 1850, to-wit: From the 1st Senatorial District, John Eaker; from the 2d, Sam. Daviess Delany; from the 3d, Ben. Edwards Grey; from the 4th, James W. Irwin; from the 5th, Camden Riley; from the 6th, Thomas J. Smith; from the 7th, John W. Ritter; from the 8th, William N. Marshall; from the 9th, Joshua Buster; from the 10th, Caleb B. Wallace; from the 11th, Robert A. Patterson; from the 12th, William Sterett; from the 13th, Robert S. Russell; from the 14th, James W. Hays; from the 15th, Hamilton Pope; from the 16th, Camden M. Ballard; from the 17th, William C. Bullock; from the 18th, Thomas P. Linthicum; from the 19th, James P. Barbour; from the 20th, Beriah Magoffin; from the 21st, Alfred Johnston; from the 22d, Berry Smith; from the 23d, Hall Anderson; from the 24th, John P. Bruce; from the 25th, Thomas Rouse; from the 26th, John W. Leathers; from the 27th, James M. Shepard; from the 28th, Overton P. Hogan; from the 29th, Nimrod Routt; from the 30th, Nathaniel P. Saunders; from the 31st, Elihu Hogan; from the 32d, Richard C. Graves; from the 33d, Walter Chiles; from the 34th, John C. Kouns; from the 35th, Daniel Morgan; from the 36th, Fitch Munger; from the 37th, Thomas I. Young; from the 38th, Abijah Gilbert. The term of service of all the members, under the new constitution, will expire the present year, 1851.

Mr. Hays, from the committee on Internal Improvement, reported the following bills, viz:

A bill to authorize a change in the State road leading from Canton to Hickman.

A bill to incorporate the Springfield and Marion county Turnpike Road Company.

A bill to incorporate the Pleasant Run Turnpike Road Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Nathan B. Lowe and Joshua West, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Camden Riley,
Hall Anderson,	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Robert S. Russell,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
William C. Bullock,	John W. Leathers,	James M. Shepard,
Walter Chiles,	Beriah Magoffin,	Berry Smith,
Sam. Daviess Delany,	William N. Marshall,	Thomas J. Smith,
John Eaker,	Daniel Morgan,	William Sterett,
Abijah Gilbert,	Fitch Munger,	Caleb B. Wallace,
Richard C. Graves,	Robert A. Patterson,	Thomas I. Young—35.
James W. Hays,	Hamilton Pope,	

Those who voted in the negative, were

Joshua Buster, Thomas P. Linthicum.—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Chiles, from the same committee, made the following report, viz:

The committee on Finance, to whom was referred "leave to bring in a bill for the benefit of the heirs of Benjamin F. Thomas, deceased," having duly considered the same, beg leave to report—

That from record and other evidence brought before us, in relation to this case, it appears that Benjamin F. Thomas, late a citizen and resident of Montgomery county, Kentucky, held a debt, evidenced by promissory note, against a man named Robert Y. Welsh; and, having departed this life without receiving payment thereof from Welsh, his administrator (Thomas C. Barnes,) became possessed of said note, and subsequently instituted suit thereon against said Welsh.

B. F. Thomas left three children and heirs-at-law, to-wit: Benjamin, Louisa, and George Thomas; all of them infants under the age of twenty-one years. James W. Thomas, the brother, and William L. Sudduth and said Thomas C. Barnes, the brothers-in-law of said B. F. Thomas, were duly appointed guardians for said children, respectively, after the death of their father.

Welsh, at the time he was sued by Barnes, was considered good for his debts, and was a contractor on the "Owingsville and Big Sandy Turnpike Road Company;" and was then actively engaged in the prosecution of his work on said road, in fulfilment of his contract. He proposed to Barnes to give an order on said "Road Company," in satisfaction of the debt due from him to Thomas' estate, which Barnes agreed to receive, provided the "Company" would accept the same, and give him an assurance that a sum sufficient to pay the debt would be due to Welsh, upon the completion of the work.

Welsh thereupon drew an order on said company, in favor of said Barnes, and Thomas and Sudduth, (the guardians of said children,) or either of them that should present it, for the amount of said debt. This order was presented to the President of said "Road Company," on the 25th day of February, 1841, which was accepted by said President, by a written indorsement on the back thereof; and the said President, at the same time, gave a written specification of the

amount which would probably be due to Welsh on settlement. Said writings are in the following words and figures, to-wit:

"The Owingsville and Big Sandy Turnpike Road Company will pay what may be coming to Mr. Welsh, on this order. WM. M. RAGLAND,

President O. & B. S. T. P. Comp.

February 25, 1841.

"There is probably coming to Mr. Welsh, on account of his contract with the Owingsville and Big Sandy Turnpike Road Company, the sum of from one to two thousand dollars, his work not being yet finally estimated.

WM. M. RAGLAND,

President O. & B. S. T. P. Comp.

February 25, 1841."

This order and written assurance was delivered to Barnes, who thereupon ceased to "look to" Welsh for the debt due Tnomas' estate, and relied upon said company for the payment thereof.

On the 23d day of December, 1842, William L. Sudduth, one of said guardians, called upon the President of said board for the payment of this debt, upon said written acceptance of Welsh's order. Payment was refused—the President alledging that Welsh had completed his work, and received his pay from the *State* Board of Internal Improvement. From the record, it appears that some time in the year 1842, Welsh finished his work, caused it to be measured and estimated, (by the Engineer, as we suppose,) and, without the knowledge of the guardians of Thomas' children on the one hand, or of the "Owingsville and Big Sandy Turnpike Road Company" on the other, went to Frankfort, settled with the State Board, and drew what was due him—amounting to upwards of nineteen hundred dollars.

The guardians of Thomas' children insisted that as the "Owingsville and Big Sandy Turnpike Road Company" had accepted Welsh's order, before any such settlement was made, and had given the assurance that an amount would be due him sufficient to pay said debt, and that they, in consequence, had released Weslh and looked to said "company" for payment, that the "company" was still responsible to them; and, that even if Welsh had imposed upon the said company, and improperly drawn his pay from the State Board, it was not right that they should be prejudiced, or lose their debt in consequence of such conduct of Welsh, over which they had no control or power whatever; more especially, as Welsh in the meantime had failed, and was not then good for his debts. The President, however, still refused satisfaction of the order; whereupon, suit was immediately instituted in the Bath Circuit Court, in the name of said guardians against the "Owingsville and Big Sandy Turnpike Road Company," upon the acceptance aforesaid; and, at the March term of said court, in the year 1843, the process having been fully executed, and the parties appearing and pleading, and the case being fully heard, a judgment was rendered in favor of the plaintiff, against said defendants, for the sum of thirteen hundred dollars, the amount of said debt of Thomas' heirs against Welch, interest included. The "road company" being dissatisfied with this judgment of the court, "took up" the case, by writ of error, to the Appellate Court; and at the June term, 1844, of said Appellate Court, the cause was fully heard, and the aforesaid judgment of the Bath Circuit Court was affirmed. An execution subsequently issued on said judgment, from the Bath Circuit Court office, which, being placed in the hands of the proper officer, was in due time returned—"no property found."

Benjamin Thomas, one of the said children and heirs-at-law of B. F. Thomas, deceased, has departed this life intestate, and without issue, since the date of said judgment. Louisa Thomas, another of said children, has intermarried with, and is now the wife of, William French, Esq. So that said Louisa and George are now

the only surviving children of B. F. Thomas, deceased, and are solely entitled to this Welsh debt. George is yet an infant, under 21 years of age, and French is his present guardian.

These parties claim of the State of Kentucky twelve-thirteenths of the debt for which the judgment aforesaid was recovered, upon the following grounds:

The "Owingsville and Big Sandy Turnpike Road Company" is a joint stock concern, consisting of the Commonwealth as one party, and counties and individual stockholders as the other party. The State has paid in and is the owner of stock amounting to $168,783 81; counties and individuals have subscribed $15,000, and paid in of this amount the sum of $12,630; so that the State of Kentucky owns a fraction over twelve-thirteenths of said road, and the other parties own the remaining one-thirteenth. The heirs of Thomas claim, that as the State is in fact twelve-thirteenths of said 'Owingsville and Big Sandy Turnpike Road Company,' she should be responsible and ought to pay twelve-thirteenths of the just debts of said company; and, as no part of this judgment has been paid, and the State cannot be sued, it is just and right that the Commonwealth should foot twelve-thirteenths of this bill; or, in other words, pay to said heirs her proportionate share of this debt.

We are of opinion that this claim is just and equitable, and should be satisfied out of the State Treasury. It is in proportion to the interest owned by the Commonwealth in said road, and we can see no good reason why the State should escape this responsibility. From a report now before us, made to the Legislature at the session before the last, by the President of the State Board of Internal Improvement, in response to a resolution of enquiry directed to him, it appears that on the 6th day of January, 1843, the said turnpike road was rented out to James Lampton for six years, at $500 per annum, payable half-yearly, and payable to the State; and a further sum to be paid by him to individual stockholders, "that would bear the same proportion to $500 as the stock held and paid in by individuals, &c., bore to the stock held and paid in by the State." Afterwards, in January, 1844, upon the petition of said Lampton, the Board reduced his rent to $200 per year. This rent was regularly paid by Lampton until the end of the year, 1847, when he failed to renew his lease. [*See Journal H. R.*, 1848–'9, *pages* 84–'5.] From this it will appear that the State of Kentucky has realized a profit from said road, in the way of rent; and, in the division of the rent, the amount of stock held by the State and by individuals, &c., was considered; and, in such division, the State appropriated to herself a sum proportionate to her share in the stock paid in; and thus received into the public Treasury an amount amply sufficient, and more than sufficient, to pay twelve-thirteenths of this debt. The State having, then, received such distribution of profit, we think it but reasonable that the debts of the company should be accounted for in a similar ratio.

During the last session of the Legislature, this case received the investigation of O. G. Cates, Esq., President of the State Board of Internal Improvement, assisted by Col. John B. Helm, a member of said Board. The result of that examination was communicated to the chairman of this committee, in a letter addressed to him by Mr. Cates, and which is filed herewith, and referred to. In that letter he uses the language: "I find no just cause why the State should not pay the claim," &c. We have great confidence in those two gentlemen. They have proven themselves very active and efficient public functionaries. They have been exceedingly vigilant in their vocation and discharge of their duties, and their indorsement of the justice of this claim, after a rigid scrutiny thereof, has great weight with us, and we think should be entitled to the highest consideration of the Legislature of Kentucky.

But the highest tribunal of the State, having cognizance of the case, has established its justice. It has undergone judicial investigation. When the President of the "Owingsville and Big Sandy Turnpike Road Company" refused payment

of the demand, upon the excuse hereinbefore suggested, the guardians of Thomas' children instituted suit in the Bath Circuit Court. It cannot be doubted that this court had jurisdiction of the case under the old, as well as the present, Constitution of Kentucky. This is an incontrovertible point. This was the proper tribunal for hearing and determining the cause. All the facts in relation to the payment of this debt to Welsh passed in review before the court. The matter of such payment was directly involved in the issue, and the court decided in favor of the plaintiff, and against the company. That court determined, after fully hearing all the evidence of the case, that the payment to Welsh was no discharge of the order, and that the company honestly and justly owed the debt. We need not speak of the negligence of any of the agents of the State in this business; we need not allude to bad management, or cast any reflection upon any of the officers of this corporation, for lack of vigilance in the discharge of duty. This comes not within our province. It is enough for us to know that this debt has been incurred by the company. We must ascertain how far the State is, or ought to be, liable for the same. This we have endeavored to do. We do not feel authorized to assume the robes of judicial prerogative, even if we differed in opinion from the conclusions drawn by the Bath Circuit Court. Under the Constitution of the State we feel that we have no power so to do. The decision of said Bath Circuit Court has been sanctioned by the Appellate Court, the highest constituted judicial tribunal of the State. The debt is ascertained, and the question presented is, shall we, the State of Kentucky, pay our part of said debt, or shall we refuse to do so, and in effect *repudiate* it? We cannot hesitate in our duty under such circumstances, and therefore feel constrained to recommend a payment of twelve-thirteenths of said debt, which will amount to twelve hundred dollars; and beg leave to present the bill submitted herewith, and express the opinion that the same should be passed.

All of which is respectfully submitted,

WALTER CHILES,
JOHN EAKER,
WM. STERETT,
C. RILEY,
} *Committee.*

Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

Mr. Chiles, from the same committee, reported a bill for the benefit of the heirs of Benjamin F. Thomas, deceased, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be placed in the orders of the day.

A bill from the House of Representatives, entitled, an act to authorize the Bracken County Court to subscribe to a turnpike road leading from the county seat to Germantown, was taken up.

Mr. Young moved an amendment, as a substitute for said bill, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof

be amended to read "an act to empower the County Court of Bracken to take stock in turnpike roads."

Leave was given to bring in the following bills, viz:

On motion of Mr. Wallace—1. A bill for the benefit of the Deaf and Dumb Asylum, at Danville.

On motion of Mr. Bruce—2. A bill for the benefit of Ambrose Arthur, of Knox county.

The committee on Finance was directed to prepare and bring in said bills.

Mr. Bruce moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to report the bill referred to them for the benefit of Common Schools, on Monday next, the 20th inst.

Which was adopted.

Mr. Linthicum moved the following resoulution, viz:

Resolved, That the comittee appointed to prepare and report a bill regulating the manner of holding elections, making returns of the same, and all matters pertaining thereto, be directed so to prepare said laws that the time for electing Justices of the Peace and Constables, (after the first election in May next,) shall be on a different day from the first Monday in August, the time fixed by the constitution for holding the general election.

Ordered, That the further consideration of said resolution be postponed for the present.

The Senate resumed the consideration of the bill to equalize the compensation for the collection of the revenue tax.

The question was then taken on the amendment moved by Mr. Hays, on yesterday, to the second section of the substitute reported by the committee, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Eaker and Young, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John C. Kouns,	Hamilton Pope,
James P. Barbour,	Thomas P. Linthicum,	John W. Ritter,
William C. Bullock,	William N. Marshall,	Thomas Rouse,
Richard C. Graves,	Daniel Morgan,	James M. Shepard,
James W. Hays,	Fitch Munger,	Thomas J. Smith,
Elihu Hogan,	Robert A. Patterson,	Caleb B. Wallace—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Camden Riley,
Camden M. Ballard,	Overton P. Hogan,	Robert S. Russell,
John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
Joshua Buster,	Alfred Johnston,	Berry Smith,
Sam. Daviess Delany,	John W. Leathers,	William Sterett,
John Eaker,	Beriah Magoffin,	Thomas I. Young—18.

Mr. Patterson moved to amend the substitute reported by the committee, by adding thereto the following:

Be it further enacted, That the Sheriffs of this Commonwealth shall, hereafter, have the right to elect whether or not they will give bond for the collection of the revenue and county levy; and upon the refusal of any Sheriff to execute said bond, then it shall be the duty of the County Court to appoint some proper and fit person to collect the revenue and county levy for said county, whose duty it shall be, when appointed, to execute bond, with good and sufficient security, as Sheriffs are now compelled to execute.

Mr. Irwin moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Graves and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Overton P. Hogan,	William N. Marshall,	Robert S. Russell,
James W. Irwin,	Fitch Munger,	Nathaniel P. Saunders,
Alfred Johnston,	Camden Riley,	William Sterret—9.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John Eaker,	Robert A. Patterson,
Hall Anderson,	Abijah Gilbert,	Hamilton Pope,
Camden M. Ballard,	Richard C. Graves,	John W. Ritter,
James P. Barbour,	James W. Hays,	Thomas Rouse,
John P. Bruce,	Elihu Hogan,	James M. Shepard,
William C. Bullock,	John C. Kouns,	Berry Smith,
Joshua Buster,	John W. Leathers,	Thomas J. Smith,
Walter Chiles,	Thomas P. Linthicum,	Caleb B. Wallace,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas I. Young—27.

The question was then taken on the adoption of the amendment moved by Mr. Patterson, and it was decided in the negative.

Mr. Hays moved to amend the 2d section of the substitute reported by the committee, by striking out the word "*ten*," printed in italics, and inserting in lieu thereof the word "*eight*."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Hays, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	John W. Ritter,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Joshua Buster,	Fitch Munger,	Berry Smith,
Richard C. Graves,	Robert A. Patterson,	Thomas J. Smith,
James W. Hays,	Hamilton Pope,	Caleb B. Wallace—21.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	William N. Marshall,
John P. Bruce,	Overton P. Hogan,	Camden Riley,
Walter Chiles,	Alfred Johnston,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John W. Leathers,	William Sterett,
John Eaker,	Beriah Magoffin,	Thomas I. Young—15.

The question was then taken on the adoption of the amendment, as amended, reported by the committee as a substitute for said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Irwin and Johnston, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Thomas Rouse,
Camden M. Ballard,	Alfred Johnston,	Robert S. Russell,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	John W. Leathers,	Berry Smith,
Walter Chiles,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Daniel Morgan,	Caleb B. Wallace,
Overton P. Hogan,	Camden Riley,	Thomas I. Young—24.

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	Robert A. Patterson,
James P. Barbour,	Elihu Hogan,	Hamilton Pope,
William C. Bullock,	Thomas P. Linthicum,	John W. Ritter,
Sam. Daviess Delany,	Fitch Munger,	James M. Shepard—13.
Richard C. Graves,		

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Pope and Irwin, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	Overton P. Hogan,	Thomas Rouse,
James P. Barbour,	James W. Irwin,	Robert S. Russell,
John P. Bruce,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	Berry Smith,
Walter Chiles,	John W. Leathers,	Thomas J. Smith,
John Eaker,	Beriah Magoffin,	William Sterett,
Abijah Gilbert,	William N. Marshall,	Caleb B. Wallace,
James W. Hays,	Daniel Morgan,	Thomas I. Young—27

Those who voted negative, were

Hall Anderson,	Thomas P. Linthicum,	Hamilton Pope,
William C. Bullock,	Fitch Munger,	John W. Ritter,

Sam. Daviess Delany, Robert A. Patterson, James M. Shepard—10.
Richard C. Graves,

Resolved, That the title of said bill be as aforesaid.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act allowing an additional district in Jefferson county for the election of Justices of the Peace and Constables, were taken up, twice read, and coacurred in.

Bills from the House of Representatives of the following titles, were severally read the first time, viz:

1. An act to authorize the County Court of Nicholas county to change, alter, or discontinue, a State road in said county.

2. An act for the benefit of Horatio Fields, the son of Thomas I. Fields, of Bath county.

3. An act to regulate the days of grace on negotiable paper.

4. An act to incorporate the Mount Zion Cumberland Presbyterian Church, in Henderson county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the committee on Internal Improvement; the 2d to the committee on the Judiciary; the 3d to the committee on Banks; and the 4th to the committee on Religion.

And then the Senate adjourned.

WEDNESDAY, JANUARY 15, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend the act incorporating the Warsaw Turnpike Road Company.

That they had passed bills of the following titles, viz:

An act to authorize the County Courts to change the names of persons.

An act to incorporate the Mayslick and Sardis Turnpike Road Company.

An act declaring Little Sandy navigable to the mouth of Laurel creek, in Morgan county.

An act to repeal an act establishing a Police Court in the town of Hardinsburg.

An act to incorporate the town of Clementsburg, in Crittenden county.

An act to legalize an order of the Hickman County Court, appointing an agent to sell Seminary lands.

An act to legalize an order of the Fulton County Court in changing a road.

1. Mr. Morgan presented the petition of sundry citizens of Lewis county, praying the passage of a law to charter a Company to construct a Plank Road from Springdale to Tolesburg.

2. Mr. Kouns presented the petition of Temperance McGuire, praying the passage of a law allowing her, as executrix of James McGuire, deceased, to sell certain lots to pay the debts of said decedent, instead of the slaves.

3. Mr. Delany presented the petition of sundry citizens of the town of Morganfield, praying the passage of a law allowing George Johnson to keep a coffee house without license.

4. Mr. Irwin presented the petition of James W. and John F. First, praying the passage of a law to remunerate them for loss sustained by the erection of Lock and Dam No. 3, on Green river.

Which petitions were received, the reading dispensed with, and referred—the 1st and 4th to the committee on Internal Improvement, the 2d to the committee on the Judiciary, and the 3d to the committee on Propositions and Grievances.

Mr. Munger, from the committee on the Judiciary, to whom was referred a bill for the benefit of the children and heirs of Michael Duvane and Penelope Thornton, deceased, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Munger, from the same committee, to whom was referred the petition of sundry citizens of Lawrence county, in relation to quieting land titles, asked to be discharged from the further consideration thereof, which was granted.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to authorize the County Court of Nicholas county to change, alter, or discontinue a State road in said county.

An act to authorize the trustees of Paris to levy a tax upon the property of the citizens of said town, and upon the property within one

mile of said town, to aid in the construction of the Covington and Lexington Railroad.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bruce, from the same committtee, to whom was referred the leave to bring in a bill to improve the navigable condition of Blackford creek, asked to be discharged from the further consideration thereof, which was granted.

The following bills were reported, viz:

By Mr. Munger, from the committee on the Judiciary—A bill to incorporate the Licking Packet Company.

By Mr. Bruce, from the committee on Internal Improvement—A bill to authorize the Trustees of the town of Springfield to subscribe stock in a Turnpike Road.

By Mr. Eaker, from the committee on the Penitentiary—A bill to prevent the close shaving of the heads of the convicts in the Penitentiary.

By Mr. Delany, from the committee on Banks—A bill to incorporate the Breckinridge Savings Bank.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Clerk of the Union County Court, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the same committee, reported a bill for the benefit of Thomas L. Garrard, of Pendleton county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Camden Riley,
Hall Anderson,	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
John P. Bruce,	John W. Leathers,	Nathaniel P. Saunders,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Joshua Buster,	William N. Marshall,	Berry Smith,
Walter Chiles,	Daniel Morgan,	Thomas J. Smith,
Sam. Daviess Delany,	Fitch Munger,	William Sterett,
John Eaker,	Robert A. Patterson,	Caleb B. Wallace,
Richard C. Graves,	Hamilton Pope,	Thomas I. Young—34.
James W. Hays,		

In the negative—James W. Irwin.—1.

Resolved, That the title of said bill be as aforesaid.

Mr. Chiles, from the same committee, reported a bill for the benefit of Elias P. Davis, Sheriff of Carter county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

The question was taken on engrossing and reading said bill a third time, and it was decided in the negative; so the said bill was rejected.

Mr. Chiles, from a select committee, reported a bill to amend the road laws of this Commonwealth; which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on Propositions and Grievances.

The following bills were reported, viz:

By Mr. Bullock, from the committee on County Courts—1. A bill to organize County Courts in the several counties.

By Mr. Irwin, from the committee on Internal Improvement—2. A bill to incorporate the Louisville and Mississippi River Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st bill be made the special order of the day for Wednesday, the 22d inst.; and the 2d for Thursday, the 23d inst.; and

that the Public Printer print 150 copies of the 1st bill for the use of the General Assembly.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined an enrolled resolution, which originated in the Senate, fixing a day for the election of Public Officers, and had found the same truly enrolled.

Said resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing their adherence to their disagreement to the amendment proposed by the Senate, to a bill from that House, entitled, an act in relation to the duties of Assessors of tax; and that they had appointed a committee of conference on their part upon the disagreement of the two Houses on said bill, and request the appointment of a similar committee on the part of the Senate.

Whereupon, Messrs. Bruce, Eaker, and Munger, were appodinted a committee on the part of the Senate.

The Speaker laid before the Senate the response of the Second Auditor, to a resolution of the 10th inst., which is as follows, viz:

Hon. BEN. E. GREY,
Speaker of the Senate,

SIR: In compliance with a resolution of the Senate, of the 10th inst., I herewith submit a statement of the annual salaries of the officers who have drawn the same from the Treasury, from the year 1832 to 1850, inclusive, viz:

STATEMENT OF THE ANNUAL SALARIES OF PUBLIC OFFICERS.

Year.	Attorneys.	Governor.	First Auditor.	Register.	Treasurer.	Keeper of State House.	Adjutant General.	Quarter Master General.
1832,	$ 300	$ 2,000	$ 1,500	$ 1,500	$ 1,200	100	250	150
1833,	300	2,000	1,500	1,500	1,200	100	250	150
1834,	300	2,000	1,500	1,500	1,200	100	250	150
1835,	300	2,000	1,500	1,500	1,200	100	250	150
1836,	300	2,500	1,500	1,500	1,500	100	250	150
1837,	300	2,500	1,500	1,500	1,500	100	250	150
1838,	300	2,500	1,500	1,500	1,500	100	250	150
1839,	300	2,500	1,500	1,500	1,500	100	250	150
1840,	300	2,500	1,500	1,500	1,500	100	250	150
1841,	300	2,500	1,500	1,500	1,500	100	250	150
1842,	300	2,500	1,500	1,500	1,500	100	250	150
1843,	300	2,500	1,250	1,250	1,250	66	150	100
1844,	300	2,500	1,250	1,250	1,250	66	150	100
1845,	300	2,500	1,250	1,250	1,250	66	150	100
1846,	300	2,500	1,250	1,250	1,250	66	150	100
1847,	300	2,500	1,250	1,250	1,250	66	150	100
1848,	300	2,500	1,250	1,250	1,250	66	150	100
1849,	300	2,500	1,250	1,250	1,250	66	150	100
1850,	300	2,500	1,250	1,250	1,500	66	150	100

STATEMENT OF THE ANNUAL SALARIES OF PUBLIC OFFICERS—Continued.

STATEMENT OF THE ANNUAL SALARIES OF PUBLIC OFFICERS—Continued.

Year.	Judges Court Appeals.	Circuit Judges.	Secretary of State.	Attorney General.	Librarian.	Chancellor city of Louisville.	City Judge, Louisville.	City Judge, Lexington.
1832, - - -	1,500	1,000	750	300				
1833, - - -	1,500	1,000	750	300				
1834, - - -	1,500	1,000	750	300	250	1,500		
1835, - - -	1,500	1,000	750	300	250	1,500	1,200	500
1836, - - -	1,500	1,000	750	300	250	3,000	1,200	500
1837, - - -	2,000	1,500*	1,000	300	250	3,000	1,200	500
1838, - - -	2,000	1,500	1,000	300	350	3,000	1,200	500
1839, - - -	2,000	1,500	1,000	300	400	3,000	1,200	500
1840, - - -	2,000	1,500	1,000	300	400	3,000	1,200	500
1841, - - -	2,000	1,500	1,000	300	400	3,000	1,200	500
1842, - - -	2,000	1,500	1,000	300	250	2,000	1,200	500
1843, - - -	1,500	1,200†	750	300	250	2,000	1,200	500
1844, - - -	1,500	1,200	750	300	250	2,000	1,200	700
1845, - - -	1,500	1,200	750	300	250	2,000	1,200	700
1846, - - -	1,500	1,200	750	300	250	2,000	1,200	700
1847, - - -	1,500	1,200	750	300	250	2,000	1,200	700
1848, - - -	1,500	1,200	750	300	250	2,000	1,200	700
1849, - - -	1,500	1,200	750	300	250	2,000	1,200	700
1850, - - -	1,500	1,200						

* All Circuit Judges $1,500, except Louisville District, which is $2,000.
† All Circuit Judges $1,200, except Louisville District, which is $1,500, and the 12th District, which is $1,300.

STATEMENT OF THE ANNUAL SALARIES OF PUBLIC OFFICERS—Continued.

Year.	President of Board Internal Improvement.	First Clerk in Land Office.	Second Clerk Land Office.	City Judge of Newport.	City Judge of Covington.	Clerk 1st Auditor's Office.	Second Auditor.	Clerk to the Secretary of State.
1832,								
1833,								
1834,						Before the division for two years only.		
1835,								
1836,								
1837,	1,000							
1838,	1,000	600	400	100	100	800		
1839,	1,000	600	400	100	100	800		
1840,	1,000	600	400	10	100	"	1,500	792
1841,	1,000	600	400	10	100	"	1,500	792
1842,	1,000	600	400	10	100	"	1,500	1,008
1843,	1,000	600	400	10	100	"	1,500	1,008
1844,	1,000	600	400	10	100	"	1,500	666
1845,	1,000	600	400	10	100	"	1,500	666
1846,	1,000	600	400	10	100	"	1,500	666
1847,	1,000	600	400	10	100	"	1,500	666
1848,	1,000	600	400	10	100	"	1,500	666
	1,000	600	400	10	100	"	1,500	666
	1,000	600	400	10	100	"	1,500	666
	1,000	600	400	10	No salary now.	"	2,000	666

STATEMENT OF THE ANNUAL SALARIES OF PUBLIC OFFICERS—Continued.

Year.	Superintendent of Public	Clerk in Treasury Office.	Clerk 1st Auditors' Office, af-	Secretary to the Board of Int'l	First Clerk Second Auditor	Second Clerk Second Auditor	Third Clerk Second Auditor	Fourth Clerk Second Auditor
1832,								
1833,								
1834,								
1835,								
1836,								
1837,								
1838,								
1839,								
1840,								
1841,								
1842,								
1843,								
1844,								
1845,								
1846,								
1847,								
1848,								

STATEMENT OF THE ANNUAL SALARIES OF PUBLIC OFFICERS—Continued.

Year.	Superintendent of Public Instruction.	Clerk in Treasury Office.	Clerk 1st Auditors' Office, after the division.	Secretary to the Board of Int'l Improvement.	First Clerk Second Auditor's Office.	Second Clerk Second Auditor's Office.	Third Clerk Second Auditor's Office.	Fourth Clerk Second Auditor's Office.
1832,								
1833,								
1834,								
1835,								
1836,								
1837,								
1838,	1,000							
1839,	1,000							
1840,	1,000	"	"	"	400	200		
1841,	1,000	"	"	"	500	220	180	100
1842,	1,000	"	"	"	500	220	180	100
1843,	750	"	"	"	500	220	180	100
1844,	750	"	"	Heretofore paid	410	320	270	100
1845,	750	"	"	by the board of	410	320	270	100
1846,	750	Com. in 1847.	"	Int. Improve't.	410	320	270	100
1847,	750	400	150	500	410	320	270	100
1848,	750	400	150	500	675	625	325	325
1849,	750	400	150	500	675	625	325	325
1850,	750	500	250	500	775	525	525	525

All of which is respectfully submitted.

THO. S. PAGE, *2d Auditor.*

SECOND AUDITOR'S OFFICE, FRANKFORT, January 15, 1851.

Ordered, That said response be referred to Messrs. Barbour, Patterson, Riley, Irwin, Marshall, Anderson, Ballard, Shepard, Young, and Leathers, and that the Public Printer print 150 copies of thereof, for the use of the General Assembly.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed an enrolled resolution which originated in the Senate, of the following title, viz:

Resolution fixing a day for the election of Public Officers.

Approved January 15, 1851.

Leave was given to bring in the following bills, viz:

On motion of Mr. Wallace—1. A bill to permit the qualified voters of Boyle and Mercer counties to vote a tax for the purpose of constructing a Railroad from Lexington to Danville.

On motion of Mr. Rouse—2. A bill to charter the Union and Beaver Turnpike Road Company.

On motion of Mr. T. J. Smith—3. A bill for the benefit of Philip F. Jones, of Edmonson county.

On motion of Mr. Pope—4. A bill to amend the charter of the Louisville and Frankfort Railroad Company.

On motion of same—5. A bill for the benefit of Eli Vansickles.

The committeee on Internal Improvement was directed to prepare and bring in the 1st and 2d; the committee on Finance the 3d; and the committee on the Judiciary the 4th and 5th.

The Senate, according to order, took up for consideration the motion made by Mr. Marshall on the 11th inst., to reconsider the vote by which the bill for the benefit of the Sheriff of Kenton county, together with the amendment, were laid on the table.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

Mr. O. P. Hogan withdrew the amendment moved by him to said bill.

Mr. Leathers moved to amend said bill, by adding thereto the following proviso, viz:

Provided, That nothing in this act shall be so construed as to exonerate said Sheriffs and sureties from the payment of interest upon any balance that may be due after the 15th of January, as now provided by law.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The question was then taken on engrossing and reading said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Robert A. Patterson,
Camden M. Ballard,	Alfred Johnston,	Hamilton Pope,
John P. Bruce,	John C. Kouns,	Thomas Rouse,
Walter Chiles,	John W. Leathers,	Robert S. Russell,
John Eaker,	Beriah Magoffin,	Nathaniel P. Saunders,
Richard C. Graves,	William N. Marshall,	Berry Smith,—20.
Elihu Hogan,	Fitch Munger,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Sam. Daviess Delany,	John W. Ritter,
James P. Barbour,	James W. Hays,	James M. Shepard,
William C. Bullock,	James W. Irwin,	William Sterett,
Joshua Buster,	Thomas P. Linthicum,	Thomas I. Young—12.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the charter of the Clark's Run and Salt River Turnpike Road Company, were taken up, twice read, and concurred in.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to authorize the county of Fayette and city of Lexington to subscribe stock in Railroad Companies, were taken up.

Ordered, That said amendments be referred to the committee on Internal Improvement.

Ordered, That Mr. Chiles inform the House of Representatives of the readiness of the Senate, in pursuance of the joint order, to proceed to the election of Public Officers.

A message was received from the House of Representatives, announcing their readiness to proceed with said election.

Mr. Hays nominated Mr. Richard C. Wintersmith, as a proper person to fill the office of Treasurer.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Treasurer, and Mr. Wintersmith received the unanimous vote of the Senate.

Messrs. Hays and Eaker were appointed a committee on the part of the Senate to compare the joint vote and report the result.

After a short time, the committee reported that Mr. Richard C. Wintersmith had received the unanimous vote of both Houses.

Whereupon, Mr. Richard C. Wintersmith was declared duly elected Treasurer of this Commonwealth.

Mr. Bullock nominated Messrs. A. G. Hodges & Co., as proper persons to fill the office of Public Printers.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Public Printers, and Messrs. A. G. Hodges & Co. received the unanimous vote of the Senate.

Messrs. Magoffin and Anderson were appointed a committee on the part of the Senate to compare the joint vote and report the result.

After a short time, the committee reported that Messrs. A. G. Hodges & Co. had received the unanimous vote of both Houses.

Whereupon, Messrs. A. G. Hodges & Co. were declared duly elected Public Printers for the ensuing year.

Mr. Russell nominated Mr. Ben. Selby, as a proper person to fill the office of Librarian.

Mr. Wallace nominated James Harlan, Jr.

Mr. Bullock nominated Mr. Daniel H. Harris.

Mr. Magoffin nominated Mr. Edmund P. Gaines.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Librarian, and it stood thus:

Those who voted for Mr. Selby, were—

Mr. Speaker, (Grey,)	Thomas P. Linthicum,	Robert S. Russell,
Hall Anderson,	Daniel Morgan,	Nathaniel P. Saunders,
Joshua Buster,	Robert A. Patterson,	Berry Smith,
Walter Chiles,	Camden Riley,	William Sterett—12.

Those who voted for Mr. Harlan, were—

James P. Barbour,	Elihu Hogan,	John W. Ritter,
John P. Bruce,	James W. Irwin,	Caleb B. Wallace—8.
James W. Hays,	Hamilton Pope,	

Those who voted for Mr. Harris, were—

William C. Bullock,	Fitch Munger,	James M. Shepard—4.
Richard C. Graves,		

Those who voted for Mr. Gaines, were—

Camden M. Ballard,	John C. Kouns,	Thomas Rouse,
John Eaker,	John W. Leathers,	Thomas J. Smith,
Overton P. Hogan,	Beriah Magoffin,	Thomas I. Young—11.
Alfred Johnston,	William N. Marshall,	

Messrs. Morgan and Johnston were appointed a committee on the part of the Senate to compare the joint vote and report the result.

After a short time, the committee reported that the joint vote stood thus:

For Mr. Selby, - - - - - - - - - - -	40
For Mr. Harlan, - - - - - - - - - -	36
For Mr. Harris, - - - - - - - - - -	17
For Mr. Gaines, - - - - - - - - - -	38

No one on nomination having recived a majority of all the votes given,

Mr. O. P. Hogan moved the following resolution, viz:

Resolved, That after the next ballot the candida eceiving the lowest

number of votes be dropped after each ballot until a Librarian shall be elected.

Which was adopted.

A message was received from the House of Representatives, announcing that the name of Mr. Gaines had been withdrawn from nomination before that House: Whereupon, Mr. Magoffin withdrew the nomination of Mr. Gaines.

The Senate then proceeded to take another vote between those remaining in nomination, and it stood thus:

Those who voted for Mr. Selby, were—

Mr. Speaker, (Grey,)	Overton P. Hogan,	Thomas Rouse,
Hall Anderson,	Alfred Johnston,	Robert S. Russell,
Camden M. Ballard,	John C. Kouns,	Nathaniel P. Saunders,
John P. Bruce,	John W. Leathers,	Berry Smith,
Joshua Buster,	Daniel Morgan,	Thomas J. Smith,
Walter Chiles,	Fitch Munger,	William Sterett,
Sam. Daviess Delany,	Robert A. Patterson,	Thomas I. Young—23.
John Eaker,	Camden Riley,	

Those who voted for Mr. Harlan, were—

James P. Barbour,	James W. Irwin.	Hamilton Pope,
James W. Hays,	Thomas P. Linthicum,	John W. Ritter,
Elihu Hogan,	Beriah Magoffin,	Caleb B. Wallace—9.

Those who voted for Mr. Harris, were—

William C. Bullock,	William N. Marshall,	James M. Shepard—4.
Richard C. Graves,		

Messrs. Bruce and Saunders were appointed a committee on the part of the Senate to compare the joint vote and report the result.

After a short time, the committee reported that the joint vote stood thus:

For Mr. Selby,	69
For Mr. Harlan,	47
For Mr. Harris,	18

Whereupon, Mr. Ben. Selby, having received a majority of all the votes given, was declared duly elected Librarian during the ensuing year.

Mr. E. Hogan nominated Mr. John Lutz as a proper person to fill the office of Director of the Lunatic Asylum.

After interchanging nominations between the two Houses, the Senate proceeded to vote for Director of the Lunatic Asylum, and Mr. John Lutz received the uanimous vote of the Senate.

Messrs. E. Hogan and Eaker were appointed a committee on the part of the Senate to compare the joint vote and report the result.

After a short time, the committee reported that Mr. John Lutz had received the unanimous vote of both Houses.

Whereupon, Mr. John Lutz was declared duly elected a Director of the Lunatic Asylum.

And then the Senate adjourned.

THURSDAY, JANUARY 16, 1851.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

An act to establish the town of Crittenden, in the counties of Grant, Boone, and Kenton, and for other purposes.

An act for the benefit of School District, No. 29, in Owen county.

An act to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company.

An act for the benefit of V. T. Smith.

An act for the benefit of the heirs of James G. Hazlerigg, deceased.

An act for the benefit of Robert Kinkead.

An act to incorporate Harvey McGuire Lodge, No. 209, of Free and Accepted Masons.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Iron Masters in Caldwell county.

An act to amend an act, entitled, an act for the benefit of Common Schools in Graves county, and for other purposes.

An act to incorporate the Greenville Institute.

An act to incorporate Hancock Division, No. 12, Sons of Temperance, of the State of Kentucky.

An act for the benefit of Clement Conner, late Sheriff of Montgomery county.

An act allowing an additional district in Wayne and Pulaski counties for the election of Magistrates and Constables, and for other purposes.

An act for the benefit of William J. Sandford, Sheriff of Boone county.

An act allowing an additional district in Jefferson county for the election of Justices of the Peace and Constables, and for other purposes.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

Mr. Bruce, from the joint committee of Conference, upon the disagreement of the two Houses on the amendment proposed by the Senate to a bill from the House of Representatives, entitled, an act in relation to the duties of Assessors of tax, made the following report, viz:

"That the Senate *recede* from their amendment to said bill."

Mr. Buster moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall said report be concurred in?" and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Irwin and Ritter, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Nathaniel P. Saunders,
Camden M. Ballard,	Alfred Johnston,	Thomas J. Smith,
Joshua Buster,	Beriah Magoffin,	Thomas I. Young—11.
Overton P. Hogan,	William N. Marshall,	

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	Elihu Hogan,	Camden Riley,
James P. Barbour,	John C. Kouns,	John W. Ritter,
John P. Bruce,	John W. Leathers,	Thomas Rouse,
William C. Bullock,	Thomas P. Linthicum,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
Sam. Daviess Delany,	Fitch Munger,	Berry Smith,
John Eaker,	Robert A. Patterson,	William Sterret,
Richard C. Graves,	Hamilton Pope,	Caleb B. Wallace—25.
James W. Hays,		

The Senate, according to order, took up for consideration the bill to amend the revenue laws.

Said bill was amended, and reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the governor be and is hereby authorized and directed to appoint two commissioners of tax, one residing in the northern and one in the southern section of the state, (the division line to be designated by the governor,) whose duty it shall be to examine and ascertain if there be any property subject to taxation which has been omitted to be listed, heretofore, by the county commissioners of tax, and to report the same to the auditor of public accounts, having previously assessed the value thereof, together with the years' tax due. All such property shall be entered by said auditor in a separate book kept by him for that purpose, stating the whole facts in relation to the same; and he shall advertise all such property in one of the newspapers printed in Frankfort, one in Louisville, and one in Lexington, three months; and it shall be the duty of the agents of the commonwealth, in the several counties where such property is situated, to advertise the same, three months before the day of forfeiture, by written advertisement, on the court house door of said county, which advertisement shall be similar to the one now made by the second auditor; and, for this purpose, it shall be the duty of said auditor to furnish said agents the neeessary information, so as to enable them to comply with the requisitions of this part of the law; and if the tax, interest, and costs due thereon, shall not be paid at the end of that time, then said property shall be forfeited to the commonwealth of Kentucky for the tax, interest, and costs due, as aforesaid: *Provided*, that the interest to be charged previous to forfeiture shall be six per cent. per annum, and no more; and the owners of said property shall have one year to redeem the same, upon the payment of all the taxes, interest, and costs due thereon when forfeited, with interest upon the same at the rate of twenty per cent. per annum.

§ 2. When the time of redemption shall expire, as stated in the first section of this act, it shall then be the duty of said auditor to send out lists of said property to the agents of the commonwealth of Kentucky, for sale, for the amount of taxes, interest, and costs due, as aforesaid; the same to be advertised by said agents as now required by law, in cases where land has been forfeited for the taxes due; and where any person will pay the amount due for the smallest part of such property, as designated by said agent, then all the right and title of the commonwealth shall be vested in the person or persons buying the same; and deeds shall be made by the agents to the purchaser, setting forth all the facts of the purchase.

§ 3. When the taxes due upon the property, thus reported, shall have been collected and paid into the treasury, said auditor shall then draw his warrant on the treasurer for one-half of the net proceeds thereof, in favor of the commissioner reporting the same, which shall be his compensation for all duties performed by him under this act.

§ 4. That each of said commissioners thus appointed, shall have power to make or employ one or more assistants to aid them in the duties required by this act; and no commissioner, agent, or other officer engaged in carrying the provisions of this act into operation, shall, either directly or indirectly, purchase any property for taxes due, as aforesaid; and, any purchase made contrary to the provisions of this section, shall be declared null and void. The provisions of this act are only to operate upon property which has not been entered for taxation previous to its passage, and shall not operate to the detriment of persons claiming adversely, when it can be shown that they have regularly paid all the taxes due the commonwealth.

§ 5. For the purpose of preventing any injustice being done to persons holding property under the liabilities of this act, they shall have the privilege of petition to the governor, praying for a remission of all or any part of the taxes thus due and unpaid; and the governor is hereby authorized to remit any part or all of the same, as he may deem proper, retaining only the actual expense incurred by the commonwealth, and fees of the commissioners of tax; but before the governor shall act in any case, the petition shall be proven by the oath of some disinterested witness; and a statement shall also be filed by the commissioner of tax, setting forth all the facts connected with the case: *Provided, however*, that the provisions of this act shall not affect the rights of infants, *femes covert*, and persons *non compos mentis;* but all such persons shall have two years, after their several disabilities are removed, to comply with the requisitions of this act.

Mr. O. P. Hogan moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. O. P. Hogan and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	William N. Marshall,
Hall Anderson,	James W. Irwin,	Daniel Morgan,
Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
James P. Barbour,	John C. Kouns,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	Thomas J. Smith,
Elihu Hogan,	Beriah Magoffin,	Thomas I. Young—18.

Those who voted in the negative, were

John P. Bruce,	James W. Hays,	Nathaniel P. Saunders,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Walter Chiles,	Robert A. Patterson,	Berry Smith,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett,

John Eaker, Camden Riley, Caleb B. Wallace—17.
Richard C. Graves, Robert S. Russell,

And then the Senate adjourned.

FRIDAY, JANUARY 17, 1851.

A message was received from the House of Representatives announcing that they had passed bills from the Senate, of the following titles, viz:

An act to amend the acts incorporating the Fire Department of the city of Louisville.

An act to incorporate the St. Aloysius College, in Louisville.

That they had passed bills of the following titles, viz:

1. An act to incorporate the Marine Insurance Company, at Paducah.

2. An act to incorporate the Columbus Masonic Seminary, in Hickman county.

3. An act for the benefit of the Sheriff of Grant county.

4. An act to amend an act, entitled, an act to incorporate the several Masonic Institutions of the city of Louisville.

5. An act to incorporate the Liberty and Hustonville Turnpike Road Company.

6. An act to incorporate the Richmond and Irvine Plank Road Company.

7. An act to incorporate the Catlettsburg and Grayson Plank Road Company.

8. An act to authorize taxation to build a School House in District No. 25, in Lewis county.

9. An act disposing of the vacant lands in Floyd county.

10. An act to authorize the County Court of Nelson to subscribe stock in the Louisville and Nashville Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st and 4th were referred to the committee on the Judiciary; the 2d, 8th, and 9th to the committee on Education; the 3d to the committee on Finance; the 5th, 7th, and 10th to the committee on Internal Improvement; and the 6th was ordered to be read a third time.

The constitutional provision as to the third reading of the 6th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Magoffin presented the remonstrance of sundry citizens of the town of Harrodsburg, against the repeal of the law of last session extending the limits of said town; which was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

The Speaker laid before the Senate the annual report of the President and Directors of the Louisville and Portland Canal Company, which is as follows:

Twenty-sixth Annual Report of the President and Directors of the Louisville and Portland Canal Company.

The balance in the Treasury as shown by the last Report, was appropriated in the purchase of shares, and 470 shares were taken, as authorized by a Resolution of the Stockholders, and the amount charged in the general account of the Company, which is as follows.

Louisville and Portland Canal Company in General Account:

DEBITS.

Balauce of Cash, January 1, 1850,	$99,408 16
Tolls received in 1850,	115,707 88
	$215,116 04

CREDITS.

By 470 shares of Stock purchased,	$100,110 00
By expenses on Canal,	23,900 92
By tax to the State of Kentucky,	1,700 00
By incidental expenses, office charges, &c.,	882 25
By balance of Cash, January 1, 1851,	88,522 87
	$215,116 04

The balance on hand will be immediately appropriated to the purchase of about 400 shares of stock, as authorized by Act of Assembly, which, added to those purchased in the six previous years, will make 8,050 shares retired, leaving 1,950 shares to be hereafter liquidated.

It will be noticed by an item in the above account that the State of Kentucky has taxed the entire property and franchises of the Canal, consequently no stockholder can be holden to give in the amount of his stock for taxation and thus be subjected to a double tax.

The annexed table shows the number and tonnage of boats that have passed through the canal since its commencement.

Respectfully submitted,

JAMES MARSHALL, *President.*

J. H. RHORER, *Secretary,*

Office of the Louisville and Portland Canal Company, Dec. 31st. 1850.

Abstract of the Boats that have passed, and Tolls received on the Louisville and Portland Canal.

Year.	Steam Boats.	Flat & Keel Boats.	Tons.	Amount received.
1831, -	406	421	76,323	$ 12,750 77
1832, -	453	179	70,109	25,756 12
1833, -	875	710	169,885	60,736 92
1834, -	938	623	162,000	61,848 17
1835, -	1,256	355	200,413	80,165 24
1836, -	1,182	260	182,220	88,343 23
1837, -	1,501	165	242,374	145,424 69
1838, -	1,058	438	201,750	121,107 16
1839, -	1,666	578	300,406	180,364 01
1840, -	1,231	392	224,841	134,904 55
1841, -	1,031	309	189,907	113,944 59
1842, -	983	183	172,755	95,005 10
1843, -	1,206	88	232,264	107,274 65
1844, -	1,476	168	304,384	140,389 97
1845, -	1,585	394	318,741	138,291 17
1846, -	1,626	283	341,695	149,401 84
1847, -	1,432	226	307,879	135,900 72
1848, -	1,523	248	341,501	158,067 96
1849, -	1,272	216	285,011	129,953 46
1850, -	1,170	200	253,024	115,707 88
Total,	23,840	6,436	4,577,812	$ 2,199,338 18

At a meeting of the stockholders of the Louisville and Portland Canal Company, at their office in the city of Louisville, January 6, 1851, the Report of the President and Directors was received and ordered to be printed.

The following persons were then duly elected President and Directors for the present year:

JAMES MARSHALL, *President.*
CHARLES W. SHORT,
C. W. HEYWOOD,
J. H. RHORER,
JOHN HULME, } *Directors.*

Whereas, the individual stockholders in this Company have offered to sell and transfer to the Company, proportions of their stock, under the conditions of the amended charter of the Company, as adopted by the stockholders at their meeting on the 4th of July, 1842.

Resolved, That the Board of President and Directors proceed to purchase the number of shares that the net income of the Company will warrant, by taking from each individual stockholder the number of shares he is entitled to sell under the arrangement adopted by the stockholders.

C. W. SHORT, *Chairman.*

[*Extract from the Minutes.*]
JOHN HULME, *Secretary.*

The Speaker laid before the Senate an exhibit of the condition of the Farmers Bank, which is as follows, viz:

FARMERS BANK OF KENTUCKY,
January 16, 1851.

SIR: Agreeably to the provisions of the charter, I herewith transmit an exhibit of the condition of this Bank on the 31st ultimo. Most respectfully,

JOHN H. HANNA, *Pres't.*

Hon. B. E. GREY,
Speaker of the Senate.

Condition of the Farmers Bank of Kentucky, and Branches, December 31, 1850.

MEANS.

Bills discounted,	$ 125,440 54	
Bills of Exchange,	236,602 53	
		$ 362,043 07
Real Estate, Banking House,		6,014 78
Due from Banks, viz:		
Eastern—Deposites in New York and Philadelphia,	$ 43,923 91	
Kentucky and Ohio,	57,810 57	
		101,734 48
Expenses, &c.,		11,290 82
Cash on hand, viz:		
In Gold and Silver,	$ 179,608 72	
In Notes of other Banks,	70,411 25	
		250,019 97
		$ 731,103 12

LIABILITIES.

Capital Stock,	$ 201,323 03
Circulation,	379,123 00
Due to Banks,	60,517 51
Due to Individual Depositors,	80,462 70
Discounts, Exchange, &c.,	9,676 88
	$ 731,103 12

JANUARY 16, 1851. J. B. TEMPLE, *Cashier.*

Ordered, That said report be referred to the committee on Banks; and that the Public Printer print 500 copies thereof for the use of the General Assembly.

Mr. Linthicum, from the committee on Circuit Courts, reported a bill to provide for the appointment of Circuit Court Judges, *pro tem.*; which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be placed in the orders of the day; and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Bruce, from the committee on Internal Improvement, to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to authorize the county of Fayette and city of Lexington to subscribe stock in Railroad Companies, reported the same without amendment.

Said amendments were then concurred in.

Mr. Irwin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the County Court of Shelby to subscribe stock in roads, reported the same, with an amendment, which was concurred in.

Ordered, That said bill be placed in the orders of the day.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the city of Augusta, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the same committee, reported a bill for the benefit of Samuel G. Mullins; which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Marshall, from the committee on Military Affairs, reported a bill to provide for the organization of the militia of this State; which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order of the day for Saturday, the 1st day of February next; and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Pope, from the committee on the Judiciary, to whom were referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Horatio Fields, the son of Thomas I. Fields, of Bath county.

An act to amend an act to incorporate th
Mason county, approved February 1, 1837.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Leathers, from the committee on Internal Improvement—A bill to incorporate the Farmers' Turnpike Road Company.

By same—A bill to revive the charter of the Burlington and Dry Creek Turnpike Road Company.

By Mr. Wallace, from the committee on Education—A bill to appoint two Trustees for Rockcastle Seminary, and for other purposes.

By Mr. Pope, from the committee on the Judiciary—A bill granting the town of Salvisa a Police Judge and Town Marshal.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Leathers presented a substitute for the 2d section of the bill to apportion representation, which he intended to offer at the proper time.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

Leave was given to bring in the following bills, viz:

On motion of Mr. Young—1. A bill for the benefit of the Sheriff of Bath county.

On motion of Mr. Pope—2. A bill to amend the charter of the Franklin Fire, Marine, and Life Insurance Company of Louisville.

On motion of Mr. O. P. Hogan—3. A bill to amend the charter of the Lexington and Covington Turnpike Road Company.

On motion of same—4. A bill to amend the exemption laws of this Commonwealth.

On motion of Mr. Bullock—5. A bill to amend the charter of the Lexington, Frankfort, and Versailles Turnpike Road Company.

On motion of same—6. A bill to amend the act incorporating the town of Shelbyville.

On motion of same—7. A bill authorizing the Shelby County Court to sell and convey the Poor House, and to invest the proceeds.

On motion of Mr. Eaker—8. A bill supplemental to an act, entitled, an act concerning the Treasurer of Graves county.

The committee on Finance was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d; the committee on Internal Improvement the 3d; Messrs. O. P. Hogan, Leathers, and E. Hogan

were appointed a committee to prepare and bring in the 4th; Messrs. Bullock, Riley, and Delaney the 5th; Messrs. Bullock, Pope, and Ballard the 6th; Messrs. Bullock, Anderson, and Magoffin the 7th; and Messrs. Eaker, Rouse, and Leathers the 8th.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act to establish the town of Crittenden, in the counties of Grant, Boone, and Kenton, and for other purposes.

2. An act to authorize the County Courts to change the names of persons.

3. An act to incorporate the Mayslick and Sardis Turnpike Road Company.

4. An act declaring Little Sandy navigable to the mouth of Laurel creek, in Morgan county.

5. An act to repeal an act establishing a Police Court in the town of Hardinsburg.

6. An act to incorporate the town of Clementsburg, in Crittenden county.

7. An act to legalize an order of the Hickman County Court, appointing an agent to sell Seminary lands.

8. An act to legalize an order of the Fulton County Court in changing a road.

9. An act for the benefit of School District, No. 29, in Owen county.

10. An act to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company.

11. An act for the benefit of V. T. Smith.

12. An act for the benefit of the heirs of Jas. G. Hazelrigg, deceased.

13. An act for the benefit of Robert Kinkead.

14. An act to incorporate Harvey McGuire Lodge, No. 209, of Free and Accepted Masons.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, 5th, 6th, 7th, 11th, and 14th to the committee on the Judiciary; the 3d, 4th, 8th, and 10th to the committee on Internal Improvement; the 9th to the committee on Education; and the 12th and 13th to the committee on Finance.

A bill from the House of Representatives, entitled, an act to incorporate the Deposit Bank of Paris, Bourbon county, was taken up and amended.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be amended, by adding, "and Deposit Bank of Maysville."

The Senate, according to order, took up for consideration a bill to amend the several acts concerning the duties of the Commissioners of tax.

Said bill was amended.

On motion of Mr. Ballard,

Ordered, That said bill be laid on the table.

The Senate, according to order, took up for consideration a bill to apportion representation.

Ordered, That the further consideration of said bill be postponed until Thursday, the 23d inst.

Mr. Magoffin moved a reconsideration of the vote by which a bill to amend the revenue laws was laid on the table.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

Ordered, That said bill be recommitted to the committee on Finance.

An engrossed bill, entitled, an act for the benefit of the Sheriff of Kenton county, was read the third time.

Mr. Linthicum moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Linthicum and Ritter, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Thomas Rouse,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Joshua Buster,	Fitch Munger,	William Sterett,
Sam. Daviess Delany,	John W. Ritter,	Thomas I. Young—16.
James W. Hays,		

Those who voted in the negative, were—

Hall Anderson,	Overton P. Hogan,	Hamilton Pope,
Camden M. Ballard,	John C. Kouns,	Camden Riley,
John P. Bruce,	John W. Leathers,	Berry Smith,
Walter Chiles,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	William N. Marshall,	Caleb B. Wallace—17.
Richard C. Graves,	Robert A. Patterson,	

Said bill was then amended by way of engrossed ryder.

Mr. Pope moved to re-commit said bill to the committee on Finance.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Fitch Munger,
Camden M. Ballard,	Alfred Johnston,	Robert A. Patterson,
John P. Bruce,	John C. Kouns,	Hamilton Pope,
Walter Chiles,	John W. Leathers,	Camden Riley,
John Eaker,	Beriah Magoffin,	Thomas Rouse,
Richard C. Graves,	William N. Marshall,	Berry Smith—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Nathaniel P. Saunders,
James P. Barbour,	Overton P. Hogan,	James M. Shepard,
William C. Bullock,	James W. Irwin,	William Sterett,
Joshua Buster,	Thomas P. Linthicum,	Caleb B. Wallace,
Sam. Daviess Delany,	John W. Ritter,	Thomas I. Young—15.

On motion of Mr. Patterson,

Ordered, That leave of absence be granted to Mr. Graves.

And then the Senate adjourned.

SATURDAY, JANUARY 18, 1851.

A message was received from the House of Representatives, announcing their concurrence in the report of the committee of Conference upon the disagreement of the two Houses on the amendment proposed by the Senate to a bill from that House, entitled, an act in relation to the duties of Assessors of tax.

That they had passed bills of the following titles, viz:

An act for the benefit of William M. Fox, Clerk of the Pulaski Circuit and County Courts.

An act to authorize the Spencer County Court to sell the Poor House tract of land in said county.

An act to incorporate Bedford Lodge, No. 158, of Free and Accepted Masons.

An act to amend an act incorporating the Lexington and Frankfort Turnpike Road.

An act to change the limits of the town of Lawrenceburg.

An act for the benefit of the Sheriff of Anderson county.

An act to incorporate Bullitt Lodge, No. 155, of Free and Accepted Masons.

An act to athourize the running and re-marking the boundary lines of Butler county.

An act to extend the provisions of an act, entitled, an act regulating the price of taking up boats on the Ohio river, approved January 29, 1829, to Big Sandy.

An act to amend an act in relation to Seminary lands of Lewis county.

1. Mr. Johnston presented the petition of James McBride, praying the passage of a law to remunerate him for lands lost.

2. Mr. Bruce presented the petition of James F. Miller and sundry citizens of Rockcastle county, praying the passage of a law to allow him to pass the Rockcastle gate, on the Wilderness road, free of charge.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate of the following titles:

An act allowing an additional district in Jefferson county for the election of Justices of the Peace and Constables, and for other purposes.

An act for the benefit of William J. Sandford, Sheriff of Boone county.

An act for the benefit of Clement Conner, late Sheriff of Montgomery county.

An act for the benefit of Iron Masters in Caldwell county.

An act to incorporate the Greenville Institute.

An act to amend an act, entitled, an act for the benefit of Common Schools in Graves county, and for other purposes.

An act to incorporate Hancock Division, No. 12, Sons of Temperance, of the State of Kentucky.

An act allowing an additional district in Wayne and Pulaski counties for the election of Magistrates and Constables, and for other purposes.

Approved January 16, 1851.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
January 18, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent, Richard Lea Smith, to be Shreiff of Casey county.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

Mr. Pope, from the committee on the Judiciary, to whom was referred leave to bring in a bill for the benefit of the heirs of Thomas W. Peek, asked to be discharged from the further consideration thereof, which was granted.

Mr. Bruce, from the committee on Internal Improvement, to whom

was referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate the Mayslick and Sardis Turnpike Road Company.

An act declaring Little Sandy navigable to the mouth of Laurel Creek in Morgan county.

An act to legalize an order of the Fulton County Court in changing a road.

An act to incorporate the Catlettsburg and Grayson Plank Road Company.

An act to incorporate the Liberty and Hustonville Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the Sheriff of Grant county.

An act for the benefit of the heirs of James G. Hazelrigg, deceased.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the same committee, to whom was referred the petition of George W. Himes, agent for the heirs of Robert Morris, reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Chiles, from the same committee, to whom was re-committed a bill for the benefit of the Sheriff of Kenton county, reported the same with amendments, which were concurred in.

Said bill, as amended, reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Kenton county be allowed the further time until the 10th of April next, to pay into the Treasury the balance of the revenue due from said county for the year 1850: *Provided*, that the secureties of said Sheriff shall file their consent in writing in the Kenton County Court, and the same be certified to the Second Auditor by the 1st day of February next: *Provided*, that nothing in this act shall be so construed as to exonerate said Sheriff and sureties from the paymant of interest

upon any balance that may be due after the 15th of January, as now provided by law.

Ordered, That said bill be re-engrossed and read a third time, as amended,

The constitutional provision as to the third reading being dispensed with, and the same being re-engrossed,

The question was taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Linthicum and Wallace, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John Eaker,	Robert A. Patterson,
Camden M. Ballard,	Alfred Johnston,	Hamilton Pope,
John P. Bruce,	John W. Leathers,	Camden Riley,
Walter Chiles,	Beriah Magoffin,	Robert S. Russell—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Nathaniel P. Saunders,
James P. Barbour,	John C. Kouns,	James M. Shepard,
William C. Bullock,	Thomas P. Linthicum,	Berry Smith,
Joshua Buster,	William N. Marshall,	Thomas J. Smith,
Sam. Daviess Delany,	Fitch Munger,	William Sterett,
James W. Hays,	John W. Ritter,	Caleb B. Wallace,
Elihu Hogan,	Thomas Rouse,	Thomas I. Young—22.
Overton P. Hogan,		

Mr. Wallace, from the committee on Education, to whom were referred bills from the House of Representatives of the following titles:

An act for the benefit of School District, No. 29, in Owen county.

An act disposing of the vacant lands in Floyd county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Ritter, from the committee on the Judiciary—A bill to incorporate Hebron Lodge, No. 19, Independent Order of Odd Fellows.

By Mr. Chiles, from the committee on Finance—A bill for the benefit of the Sheriff of Bath county.

By Mr. Bullock, from a select committee—A bill to amend the charter of the Lexington, Frankfort, and Versailles Turnpike Road Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Kouns moved a reconsideration of the vote passing a bill from the House of Representatives, entitled, an act to incorporate the Catlettsburg and Grayson Plank Road Company.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

Ordered, That said bill be re-committed to the committee on Internal Improvement.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

To the General Assembly:

GENTLEMEN: The following resolution was laid on my table a few days since.

"*Resolved*, That the Governor be requested to lay before the Legislature by message, such statistical or other information as he may have in his possession, on the subject of the School and Sinking Funds."

It affords me great satisfaction to have an opportunity of communicating to the general assembly, such views and information as I have, touching subjects in which the state has so vital an interest.

An act passed and approved March 1, 1850, by the provisions of which the commissioners of the sinking fund are directed, out of the proceeds of the sinking fund, to pay the interest on the bonds and duplicates of bonds, held by the board of education, provided that the interest upon the bonds held by inviduals, shall *be first paid*. By another section the superintendent is directed, or vested with power to invest any surplus of the school fund in the purchase of the bonds of the state, held by individuals, and when purchased are to be held by the board of education, for school purposes. I am advised by the proceedings of the House of Representatives, that the committee on education in the House of Representatives, have reported a resolution endorsing the provisions of that law. I will therefore direct my inquiries to the subject, in the aspect in which it is presented by the act of March 1, 1850.

By the 1st section of the schedule of the new constitution, laws in existence inconsistent with the constitution, are void.

The question to be settled involves the true construction of section 34, article 2, and section 1, article 11, of the new constitution. The difference between the executive and the committee is this: the executive insists that the term "state debt," or "public debt," embraces only such debts as are due to individuals or corporations, for the payment of the principal of which the state is held bound, and which the state might properly be sued for, if a remedy for her default were provided by law; and so understanding the signification of the term "state debt," as used in the new constitution, the executive is satisfied that the resources of the sinking fund are, by the 34th section, article 2, of the new constitution, set apart to pay the interest of the debts due to inviduals *only*, and that any surplus which may exist in the sinking fund from year to year, is to be applied towards the payment of the principal of those debts.

Your committee insists that the school fund is embraced by the term "state debt," and the sinking fund is, therefore, by the 34th section, article 2, chargeable with the payment of the interest on the school fund; and that fund being a part of the "state debt," must of necessity be fully paid, before the resources of the sinking fund can be reduced, for it must be conceded by the committee that if the principal of the school fund is not to be paid by the sinking fund, then the interest is not chargeable to that fund. On the other hand, the executive admits that the principal of the school fund must be fully paid, if its interest is properly chargeable to the sinking fund.

In the outset, I lay down two principles of law, as properly bearing upon the question, if indeed they do not govern the case: First, if the words used are ambiguous, we are authorized to examine the facts attending the transaction about which the parties were treating at the time the ambiguous words were used, that their true sense and meaning may be learned; and secondly, that meaning shall be given to the terms that shall most certainly effectuate the object of the parties,—and whether the special, or general and popular signification of the term or terms shall be taken as the proper definition, must depend mainly on the fact as to which of those significations is most in harmony with the context of the instrument, and which will best carry out the intent of the parties.

I propose to show from the public records, and from facts and figures, upon which it is evident the framers of the 34th section, article 2, of the constitution acted, that the debt due from the state to individuals, has, since the first dollar of debt was created, been known and characterized as *the state debt*, and that the money set apart for school purposes, and afterwards appropriated to pay liabilities contracted for internal improvements, never was considered or reckoned as a part of the public debt—that while the obligation to pay the interest on the fund for the sustaining of common schools was recognized—that obligation was regarded as a duty, rather than a debt—and it never was contemplated that the principal of the school fund should be paid. And furthermore, that the convention considered the debts due to individuals and the school fund as separate and distinct—made them the subjects of different and distinct sections. The facts and figures exhibited before the convention, and which appear in the debates, show clearly that any other construction will not only defeat the purpose which the convention seem to have had in view in the adoption of the 34th section, to-wit: the payment of the public debt—but will render the 1st section of article 11 unnecessary, if not indeed absurd.

The sinking fund is composed of revenues derived from certain sources, set apart by acts of the general assembly, for the purpose of paying the interest and ultimately the principal of the debt of the state created by borrowing money for internal improvement purposes.

The school fund consisted originally of a portion ($850,000) of a sum of money deposited by the United States with the state of Kentucky. It belonged to the state, and by an act of the legislature was placed under the care and control of the commissioners of the sinking fund, with instructions that it should be invested in the stock of the banks of Kentucky, if the banks consented thereto, the interest or dividends to be kept apart from other funds of the state, and to be applied to the founding of a sys-

tem of common schools. In the event of the refusal of the banks to receive it as stock, the commissioners of the sinking fund were to seek some other investment. Governor Clarke, then chief magistrate of the state, had been directed to borrow money to enable the state to comply with her contracts made in the prosecution of internal improvements. He was limited to *five* per cent. interest. An advantageous loan, it was ascertained, could not be effected abroad, and the governor used the money which had been directed to be invested for school purposes, in the payment of debts to contractors in 1837–8, making, I presume, some minute or record of the fact on his executive journal.

While I have ever held, and yet hold the obligation of the state to pay the interest on the school fund as a high and sacred duty, yet I am inclined to think, if I were disposed to indulge in a strict legal analysis of this transaction, it might be made clear that the school fund never was a debt in a legal sense. That which is done by the agent of the state, if done in conformity to law, is the act of the state. If a state, having a sum of money in the hands of an agent, who is instructed to hold it for a particular purpose, directs that the money so held shall be passed to another agent, upon his executing the bond of the state for the sum passed to him, it can hardly be said to be a borrowing or lending of money. A *debt* cannot exist in law where the obligor and obligee is one and the same person. No one can be considered a debtor who has the power and the right to cancel, and at his own will and pleasure absolve himself from payment.

I take this view of the subject. The public will had been expressed through the representatives that this national bounty should be set apart for the laudable purpose of educating the children of the country, and bonds were executed as evidences that the public pledge would be kept. It never was contemplated that the evidences of this pledge should be cancelled by payment of the principal, the interest *alone* being the sum to be used. I am for holding the principal as a sacred fund—I am for the prompt payment of the interest, and I am for the application of that interest to school purposes. It is conceded that from the nature of the transaction by which the school bonds were issued, the sinking fund was then looked to as the source from which the interest on the school bonds was to be paid; but from various causes no payment of interest was made directly from the sinking fund for school purposes until that made by Governor Crittenden, under the act of 1850, in July last, which was made under circumstances to which I will hereafter advert.

Is the school fund a part of the state debt? and was it contemplated by the 34th section, article 2d, of the constitution, that the principal of that debt should be paid? This is a question of great magnitude—important alike to the parents and children of the state, and I beg that I may be pardoned for entering upon the examination of it somewhat in detail.

Governor Wickliffe is the first executive who presented in his message a view of the public or state debt: (See Message, Journal H. R., 1839–40.) I here quote his message: "A statement of the public debt of Ken-
" tucky at this time, with the means of payment, may not be deemed in-
" appropriate. The first debt created was $2,000,000, which was vest-
" ed in bank stock; the stock is worth the debt, and will ultimately pay
" it. The amount of debt created for purposes of internal improvement,
" and for which the bonds of the state are *held by individuals* is $1,765,-

"000. Kentucky received of the United States $1,433,757 39. $850,-
"000 of this sum was vested in internal improvement bonds, and con-
"stitutes now *the school fund*, the remainder was vested in bank stock for
"the use of the state. *If this be a debt, Kentucky owes it to herself, and it*
"*should not be charged against her.* * * * * It may then
"be stated that the whole amount of the *debt* which she owes to indi-
"viduals for bonds sold is $1,765,000." Here is the statement of the governor in his message to the legislature, a lawyer of acknowledged ability, the professed friend of schools, and the very individual whose signature is attached to the bonds executed to the board of education. From that time to the present, the sum of the bonds issued to individuals was classed and denominated "the state debt."

Governor Letcher (Journal of 1840–41, page 36) says:

"The money borrowed for internal improvement purposes, and for
"which bonds have been issued, amounts to $1,385,000, at an annual
"interest of five per cent., and $1,765,000 at six per cent., all of which
"loans have been made for extended periods, varying from 20 to 30
"years; and $566,000, at an interest of six per cent, payable in six
"years, making the aggregate amount issued $3,710,500; from which,
"however, should be deducted $917,500, the amount held by the board
"of education, and $20,000 held by the commissioners of the sinking
"fund—for these are debts due from *the state to itself*—which will leave
"the sum of $2,783,000 as *the exact amount of the public debt* for which
"bonds have been executed."

In his message 1841–2, (Journal, page 12,) Governor Letcher states the aggregate amount of the bonds issued at $3,710,500, and proceeds, "which includes $917,500, the amount held by the board of education, and "$20,000 held by the commissioners of the sinking fund, which leaves "the sum of $2,773,000 as *the exact amount of the public debt* for which "bonds had been executed."

Governor Letcher, 1842–3, states the actual debt of the state at $3,-902,783, which excludes the education bonds, and refers to a table accompanying his message, made by the secretary of state, (Mr. Harlan,) as containing a statement of the *debt of the state*. The statement is headed thus: "Statement showing the actual amount, &c., of the public debt of the state of Kentucky to the 24th December, 1842." In that statement the bonds to the board of education are not even alluded to.

Governor Letcher, in 1843–4, refers again to the report of the secretary for a list showing the actual amount of *state debt*. The report is headed as above, and states the aggregate at $3,964,500. The same secretary makes another and a different table which is thus headed: "Statement showing the actual amount, &c., of state bonds issued to the board of education and commissioners of the sinking fund." (See Journal, page 26.) Thus is presented two separate and distinct statements using the appropriate names to designate the two things—*state debt and school fund.*

Governor Owsley, in his message 1844–5, states the *debt* to be $4,269,-000, and sets forth the particulars composing the debt, and then refers to the report of the secretary of state, as exhibiting the items constituting the state debt. That table has the following heading: "A statement showing the amount of the *public debt of the state of Kentucky* to the 16th day of December, 1844." That statement is an appendix to the mes-

sage, and was prepared by the Hon. Ben. Hardin, then secretary of state. It does not include the school fund. But Gov. Owsley treats the school fund as another and a different thing; and says, "the commonwealth is under other *liabilities*, the accruing interest on which is, however, not chargeable to the sinking fund, but payable out of the public treasury." He then states the school fund to be $1,115,430. If that sum had been regarded as a state debt, then the debt should have been stated to be $5,384,430. At that session of the legislature, an act was passed, and I think I may safely say without a dissenting voice, ordering the bonds which had been given to the board of education to be burnt; they were burnt. The act provided, however, that duplicate lists, setting out the dates and amounts should be preserved, and that the public faith should be as fully pledged as if the bonds had not been burnt. There were two reasons for burning those bonds. It was not considered that the principal of these bonds was ever to be paid in money, and it was thought that one form of pledging the public faith was equal to another, as neither could or would be performed except by the will of the people. It was thought that by the preservation of those bonds, no possible good could be obtained, and great public injury to the state might have resulted. *They were drawn in the usual form, and passed by delivery*, and any man who might purloin them, or any superintendent who wished to amass a princely fortune by fraud, had nothing to do but go to the east and put them in the hands of a broker, receive the money, and they were lost to the school fund. The sum was too great to tempt any man with, especially when it was understood that the end which they were designed to accomplish could be accomplished as well without the risk as with it. Has the school system suffered by it? Public opinion is fixed upon the payment of the interest, and that is all that was ever contemplated to be paid.

The officers of the government have treated the subject in the same manner since, as before the burning.

Governor Owsley, in his next annual message, states that the state is indebted to the education fund in the sum of $1,115,430. He proceeds, and says: "the funded debt of the state, including every description of bonds issued and not cancelled, amounts to $4,408,400."

At this session of the legislature, an act passed incorporating the commissioners of the sinking fund, authorizing them to deal in bills of exchange, directing them to apply the proceeds of the sinking fund to the payment of the interest on money borrowed for internal improvements, and to apply the surplus, if any, to the payment of the public debt, &c. Under the provisions of that act, the proceeds of the sinking fund were, by Governor Owsley, applied alone to the interest due on the debt of the state, held by individuals; and, as I think wisely, the surplus was applied to the liquidation of the bonds of the state, payable in six years. If such had not been the case, an immediate necessity for taxation would have occurred, or other bonds must have been sold to pay for those then maturing. In 1846–7, Governor Owsley says the total amount *of state debt* is $4,596,026; and further says, "the means appointed by law for that purpose, have enabled the commissioners of the sinking fund, not only to diminish the state debt $63,430, but also to discharge the interest of the *entire debt*." There was not a dollar applied to the payment of the interest on the school fund. In his message, 1847–8, he recapitulates

the *state debt*, and states it at $4,596,026. In this message, Governor Owsley states the product of the resources of the sinking fund, at $326,600. That the liabilities, being the interest payable to individuals, was $264,250.

Proceeds of sinking fund, 1847, - - - - - -	$326,600
Interest off to individuals, - - - - - - -	264,250
Balance, - - - - - - - - - -	62,450
The interest on the school fund at that time amounted to about the sum of - - - - - - - - - -	60,953
Which, if paid, would have left only a surplus of -	$ 1,497

At this point it is important to notice the two surpluses—that which is left after paying the interest due to individuals, and that left after paying interest to individuals and the school fund, as it may serve to illustrate the question, as to which surplus, in point of fact, the convention looked in laying the foundation of the constitutional scheme for the extinguishment of the public debt. Was it $62,450, or $1,497?

Governor Crittenden, in his message, 1848–9, states the public debt to be $4,532,913 81. Deducting stocks in bank, leaves $3,262,413 81. The statement of the public debt in this message, and the resources of the sinking fund, were the bases of the calculation laid before the convention by the author of the 34th section, Mr. Bradley, and I invite especial attention to it, for it is an important item in the chain of facts which serve to illustrate the real meaning of that section. By that expose of the condition of the sinking fund, there was found to be a surplus of $83,971 57. Now, I apprehend it was the meaning of the convention, to operate upon the public debt by the *yearly* surplus after paying charges, and not upon any *casual* surplus that might *then* be on hand. Examine the statement of the message, and Mr. Bradley's speech, (debates p. 772) you will see that the surplus was produced by bringing forward surpluses which had accumulated by omitting to pay school fund interest, such as I have just exhibited, under Governor Owsley's administration, to-wit: $62,450. But I call your attention to the single item of the income, for one year, including gross receipts. He states it to be - - - - - - - - - - - $328,265 61

The amount necessary to pay interest to individuals, &c.	263,614 82
Surplus, - - - - - - - - -	64,650 79
Interest due on school fund, - - - - -	60,953 00
Actual surplus if charged with school fund, -	$ 3,703 79

The message does not show what sums are to be taken from the gross receipts of the year for expenses and charges. If these charges had been stated, instead of a surplus there would have been a deficit, after charging the fund with the interest on the school fund. Did the convention conceive the idea of paying a debt of over four millions by the yearly application of deficits? Surely no such folly will be attributed to them.

Now, the point I make by exhibiting these extracts from messages and

reports is, that wherever the term *state debt* is used, it is used to describe the debt due to individuals. The public debt was described as the debt due to individuals, by Governor Wickliffe, Governor Letcher, Governor Owsley, Governor Crittenden, and Secretaries Harlan and Hardin; a formidable array of names.

I now propose to show that the convention used the terms "state debt" and "school fund," in the same sense in which they had been used by the officers of the government, and the convention intended that the terms thus used, should be understood as they had been described and understood in the official records of the state.

The convention appointed two committees, one on the subject of the *state debt*, the other on the school fund. Mr. Kelly offered a series of resolutions, among which was the following: "That the common school fund shall be held inviolate." Mr. Root moved to amend the resolution by adding the following: "That a committee be appointed, consisting of five members, whose duty it shall be to report to this convention the best mode of *securing the common school fund*—as well as to its views as to enlarging the same." See the journal of the convention, pages 42–3. Subsequently, Mr. Brown offered a resolution to the same effect, but more extended, using this phrase in regard to the fund: "to be held as a *permanent and perpetual* school fund." The resolution was adopted. See journal, page 84.

Mr. Hardin offered the following resolution:

"*Resolved*, That a committee of nine delegates be appointed, whose "duty it shall be to inquire into *the public debt of the state*, the best prac- "tical mode, not only to prevent its future increase, but to liquidate the "same, *by the time it shall fall due*." See journal, page 64.

Mark the difference in the language. The *school fund* to be secured, *as a permanent and perpetual fund*. The *public debt* to be paid off and liquidated *by the time it falls due*.

Mr. Guthrie, the president of the convention, than whom, few, if any, better understand the nature of the public debt, and the power and capacity of the sinking fund, offered a clause in the convention touching the public debt. See debates of convention, 758. The proposition was debated, and subsequently, on page 766, modified and presented in the following form:

"The general assembly that shall first convene under this constitu- "tion, shall set apart an annual sum of at least $50,000 of the public "revenue, which shall be the first to be paid, and provide that the same, "and the surplus of the sinking fund, after paying *the interest on the pub- "lic debt*, shall be faithfully applied to the purchase and withdrawal of "the evidences of the debt of this commonwealth, until the whole of "said debt shall be discharged: *Provided*, if the annual sum so appro- "priated, shall not be sufficient to discharge the debt as *it shall come due*, "the general assembly shall have authority to create additional loans "for the punctual payment of the said debt."

Did the president of the convention seriously contemplate the payment and withdrawal of the list of bonds held by the board of education, when he used the term *evidences of the debt*. I know the president, and feel that I am authorized to say such an idea never entered his head. Now what is the substance of this proposition? Why, that there was a debt which Kentucky owed, and which ought to be paid *at maturi-*

ty, and as the foundation or basis of payment—a fund was looked to called the sinking fund, which produced an amount greater than its annual charge, which was called a surplus; to which he proposed to add $50,000, per year, from the revenue. This proposition of the president clearly implies the existence of a surplus, and if after paying the ordinary expenses of the government out of the ordinary revenue, there was not a surplus *of that fund*, taxation was the inevitable consequence, to an extent sufficient to produce a surplus in the ordinary revenue, equal to $50,000.

When this proposition was made, (see Debates, page 762,) Mr. Hardin arose and said: "I comprehend what the president means, and his "amendment, with a slight addition, will do exactly. That is, I sup- "pose he intends that the sinking fund shall be kept up to what it now "is, and then this other $50,000 shall be added to it." Mr. Guthrie, the president, replied "Yes sir."

Mr. Hardin exhibits then a table purporting to be the liabilities of the state, in which is stated the whole sum drawn from the United States, and the school fund, making an aggregate of over seven millions. That statement was taken from a report which he made as secretary of state in 1845–6, in which he makes this remark as to the school fund: "The debt due the school fund need not be provided for in this plan, because the state never will pay the principal of that debt." (See Legislative Documents, 1845–6, p. 634.) But to understand what Mr. Hardin meant by "*the public debt*," see his table of calculation appended both to his speech and report, where he demonstrates that $50,000, per year, aided by the increased surplus of the sinking fund, would, in thirty years, pay $4,190,038. I will add that calculation, as an appendix, and call attention to the fact, that upon the principle upon which it is based, the $50,000, in the first fifteen years, pays but the sum of $1,283,626, while in the next fifteen years it will pay $3,026,240. Examine the table and you will see the result. That satisfactorily demonstrates that Mr. Hardin and Mr. Guthrie clearly understood the force of the proposition. Bear in mind that the largest amount of the debt is due in twenty years, and it will require a much larger sum to begin upon to meet the debt in twenty than thirty years. Now the surplus in the sinking fund, after paying the interest on the individual debt, ranges from $60,000 to $70,000. If charged with the school fund interest, sometimes a surplus of from one to three thousand; at other times a deficit, as exhibited before the convention. Take the largest of these two latter sums, to-wit, $3,000, and it will require, as will be found upon calculation, 510 years to pay the public debt; a very *long replevy!* Now, which of those two surpluses did they mean to operate with, $60,000 or $70,000, or $1,000 or $3,000, and sometimes a deficit more than equal to the surplus. If $50,000 be added to the surplus, after payment of interest to individuals, you would have, annually, a fund equal to about one hundred and fifteen or one hundred twenty thousand dollars, which, if kept to that, (but bear in mind the banks expire in fifteen years,) would in the twenty years so far pay the public debt as to save the bank stock. Time may prove that the provision would have been a wise one. By that provision the public debt would probably have been so far paid as that the charter of the banks might have been renewed without hazard, and then the whole proceeds of the bank stock devoted to educational purposes; and the

power would exist to repeal the five cent tax which constitutes one of the *undiminishable* resources of the sinking fund, or the five cents might also be used for educational purposes. But that we may not be left in the dark as to Mr. Hardin's meaning of what constituted the state debt, see the statement which he exhibited to the convention, (and he was its organ on that subject,) on page 978. He there states it to be $4,497,152. Now if the school fund had been added, calculating it up to this time, it would have amounted to the sum of $5,023,922. Include the school fund under the term debt, then Mr. Guthrie and Mr. Hardin were advocating the propriety of increasing taxation to the amount, ultimately, *to pay the school fund off in money*. Would they have given such a vote? Would their calculations produce the result stated by them? No, not by thousands in dollars and years in time. Then those two gentlemen are placed in the awkard attitude of not knowing the force of their own words, and the following gentlemen, who voted for Mr. Guthrie's proposition in lieu of the 34th section, (see Debates, p. 777,) are placed in a similar category: Messrs. Guthrie, Barlow, Brown, Chenault, Davis, Dixon, Dudley, Dunavan, Garfielde, Hamilton, Hardin, Hay, Hood, Irwin, James, Lashbrooke, M. P. Marshall, McHenry, Meriwether, Mitchell, Moore, Morris, Newcomb, Nuttall, Preston, Rudd, Taylor, Todd, Turner, White, C. A. Wickliffe, G. W. Williams, and Woodson.

If the words "including the school fund" had been added after the word *state debt*, in Mr. Guthrie's proposition, how many of those gentlemen would have staked themselves up before the country as voting for taxation to pay it? I apprehend not one of them. If they would not, then they were ignorant of what the term *state debt* embraced. It will hardly be believed that those gentlemen, in their earnest efforts to provide for the payment of the public debt, were entirely unadvised of the character and amount of that debt.

At this time Mr. Bradley, the author of the 34th section, said to the convention, in substance, that the proposition of the president (Mr. Guthrie) would lead at once to taxation for the purpose of paying the public debt. He said he would offer a substitute for the proposition of the president, which would accomplish the same object without the necessity of taxation. He then proposed the 34th section, which is as follows:

"SECTION 34. The General Assembly shall have no power to pass laws to diminish the resources of the Sinking Fund, as now established by law, until the debt of the State be paid, but may pass laws to increase them; and the whole resources of the fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully paid and satisfied."

Mr. Guthrie's proposition was adopted in the committee of the whole, and Mr. Bradley's adopted in the convention. Now, does the term *state debt*, as used in the 34th section, mean what it has always been held to mean, or does it mean something else, is the question. Upon presenting the proposition, Mr. Bradley read from Governor Crittenden's message, and distinctly stated *the public debt to be* $4,532,913. He then quoted from the message the resources of the sinking fund, and stated that there was then a surplus of $83,971 57, and that $77,068 of the *public debt* had been paid by the surplus before that day. Mr. Bradley proceeded to say if such surplus was, from year to year, faithfully applied, the public debt would be paid without taxation. Now, I again distinctly state that the school fund is not embraced in this statement of the public

debt, nor was the interest of the school fund calculated in or charged to the sinking fund; for if it had been, there would have been an actual deficit in place of a surplus. The surplus stated by Mr. Bradley was not for a single year, but included fractional surpluses of other years over payment of interest to individuals. Now where were the friends of education that they did not rise, and say to Mr. Bradley, you have not included the school fund in your statement of the public debt, nor do you make allowance for the payment of its interest? Were they listless and indifferent to the subject? or ignorant of their rights? or were they looking to a different source for the interest on that fund? We shall by and by see.

I beg now to refer you to the report of the commissioners of the sinking fund table, (No. 6,) for the exact condition of the sinking fund in 1849, the time at which the new constitution was made. It was somewhat difficult to determine the actual receipts appropriately belonging to any one year, and I have thought it most accurate to aggregate or put together four years, and dividing by four, ascertain the yearly income of the fund.

The first column on the table shows the receipts for a fraction of a year. I therefore select the years 1846, 7, 8, and 9. The aggregate net receipts for those years amounts to the sum of $1,263,925 83.

One-fourth of that sum shows the average yearly receipts of the sinking fund, - - - - - - -	$315,981 45
The sum necessary to pay interest to individuals, and the present amount of interest on school fund, and to cover contingencies, is - - - - - - - -	329,000 00
Showing a yearly deficit of the sum of - -	13,018 55

An inability of the sinking fund to meet the payment of both interest accounts.

I now call attention to the additional fact, as exhibited by the table, that within those years there was received for railroad rent $63,935 62, and $9,828 14 from the Bank of the Commonwealth, and Old Bank of Kentucky. Nothing more need be expected from the railroad for three or four years, and but little if any thing from the banks.

There was paid in the year 1849, the sum of $27,000 of the proceeds of the five cents tax, which ought to have been paid in 1848. Thus you see it stated in 1848, $90,148 32 was received from the five cents revenue, and in 1849, $144,335 86. Take from the latter sum the sum of $27,000, and add it to the $90,148 32, for the year 1848, as shown by second auditor's report, and you exhibit an actual deficit of the net receipts, appropriately belonging to the year 1849, of $17,000—an inability by that sum to pay the interest account, including school fund.

That was the actual state of case at the formation of the constitution.

Now, I put it to the candor of any fair man, to say from this exhibition, did the convention mean to pay the public debt with the surplus, after paying the interest due to individuals, or with the *deficit* after paying interest to schools? It will not do to say the convention was ignorant of the facts so necessary to be understood to accomplish their avowed purpose. If they relied upon the surplus, after paying the interest due to individuals, then the section is one of sound meaning, and great value to

the commonwealth, and will, in a great measure, accomplish its avowed purpose. If they did in fact intend to pay the interest on the school fund, out of the proceeds of the sinking fund, it was idle and delusive.

But if the 34th section shall be made to include the school fund, then are the members of the convention convicted of having spent several days in discussing the vitally important question of devising the ways and means to pay the public debt, and exhibiting facts and figures stating its amount, and demonstrating the capacity of the fund set apart, and finally adopting a section the meaning of which they did not understand, and which, if practically carried out, according to the construction given by your committee, wholly defeats the purpose contemplated by the convention.

Can it be said that they have given the power to increase the resources of the sinking fund, and to that the convention looked for a surplus? No such meaning can be given, because the section must be understood as relating to an existing state of fact, which then exhibited an existing surplus and probable recurrence of surpluses. But the adoption of Mr. Bradley's amendment was a test vote between taxation and a payment with existing resources without taxation. Did the gentlemen, who voted for Mr. Bradley's amendment, understand that the sinking fund was to pay the interest on the individual debt and school fund? If they did, then they voted that the public debt should not be paid off; and decided that the five cents taxation should be perpetual, unless the people would consent to taxation to pay a debt of $5,859,683, which sum includes the school fund, or borrow the money and pay it off, which would not relieve the fund. Who can maintain himself by assuming such a proposition before an enlightened community? Nor can it be said that the convention looked to the surplus in the ordinary revenue, for Mr. Wickliffe offered the following as a section: "The general assembly shall also set apart, annually, any overplus in the sinking fund in addition to the $50,000, which shall be applied to the principal of the state debt." Mr. Wickliffe, in explanation of his purposes says: "It is admitted on all hands we shall save, by having our legislative sessions biennial, $50,000, annually, if our revenue remains as it now stands. I wish to lay hold of that surplus, by a constitutional provision, and apply it to the extinguishment of the debt, and not leave it for the legislature to appropriate to some other purpose." (See Debates, 776.) It was withdrawn as being embraced by the proposition of Mr. Guthrie.

After the adoption of Mr. Bradley's amendment, Mr. Wickliffe then offered the following: "If there shall not be an annual surplus in the sinking fund equal to $50,000 to be devoted to the payment of the principal of the state debt, the deficiency shall be made up by an appropriation from the revenue of the state, so that at least the sum of $50,000 shall be, annually, devoted to the extinguishment of said debt." Surely Mr. Wickliffe was not making provision for the payment of that, which in his message he says—"If this be a debt, it is one which the state owes to herself, and should not therefore be charged against her." But Mr. Wickliffe says, (page 781,) "I wish it to be understood here and at home, that I come here for the purpose of providing some system by which the public debt can be relieved." Again, in same speech: "It is believed the sinking fund will have an increase greater than $50,000. I hope it may; but when we remember the fund is drawn principally from taxa-

tion on bank stock, from dividends on bank stock, from dividends on public roads, it is subject to casualties and loss. There may be and has been a surplus for the last two or three years." Mr. Wickliffe's amendment was rejected. Thus the question is settled—the convention reject any mode of directing an increase, and of course determine to rely on the surplus arising from the resources proper of the sinking fund. I ask again, does this mean the surplus, after paying interest due on the state or individual debt, which, one year with another, will probably range from $60,000 to $70,000, or does it mean that surplus produced, after paying the interest on the school fund, which will oftener result in a deficit than in a surplus? Mr. Wickliffe's statements, when taken together, necessarily result in assuming the fact that the surplus was about equal to $50,000 annually. Now Mr. Wickliffe must be presumed, from his known ability, to have understood what he said. If he meant a surplus, after paying the interest to individuals, then he knew he was right, for the records show it. If he meant a surplus, after paying the interest to the school fund, the same records contradict the statement. But that we may not misunderstand what Mr. Wickliffe means by the term state debt, he says, $50,000, annually appropriated, will extinguish our state debt. (See Debates, 781.) Now here is a statement of fact, the truth of which could only be known by calculation. Well, that calculation has been made and laid before the convention, and the presumption is that Mr. Wickliffe had examined and understood it; the result of which is, that the sum named, will, in thirty years, pay $4,190,038, which is about $57,000 less than the debt due to individuals, excluding the bond to the Northern Bank and the school fund. And what is still more striking, that sum, compounding half yearly, pays $2,020,451 in the last ten years of the thirty, which is ten years after greatly the largest part of our debt falls due, and fifteen years after the banks will have ceased to yield a revenue unless rechartered.

The question of settling the public debt is now closed in the convention, and the next question with the convention was the adoption of a clause which would restrict the legislature in the power to contract debts. The result was, the adoption of the 36th section of article 2, which here follows:

"SECTION 36. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth, except for the purposes mentioned in the thirty-fifth section of this article, unless provision be made therein to lay and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: *Provided*, that the General Assembly may contract debts, by borrowing money to pay any part of the debt of the State, without submission to the people, and without making provision in the act authorizing the same, for a tax to discharge the debt so contracted, or the interest thereon."

I invite your attention to the proviso to that section, and especially to the use of the term, *any part of the debt of the state*. Now, if the school fund is embraced within the term "debt of the state," the convention, instead of restricting the power to contract debt, by the proviso conferred the absolute and unquestioned power to borrow $1,326,770 01—the present amount of the school fund—to pay a nominal debt; and, when borrowed, without making provision by law for payment of interest or principal, may order it paid over to the superintendent of public instruction. And as he is the officer of the law, and as the school section does not di-

rect what shall be done with the principal of the fund when paid, the legislature can control its investment, only taking care that upon the face of the act the expressions are used—"the principal shall be held sacred, and the proceeds applied to schools." Can it be gravely argued that the convention intended to confer a right to create such a debt to pay off the school fund? Amidst all the discussion, and when the amount of public debt was every day reckoned and large surpluses relied upon, not a word was heard of the school fund and its interest. Were the committee on education unconscious of their rights and duties? I will presently show. I understand that proviso to be one of caution, adopted to confer upon the legislature—in the event the means set apart to pay the debt should prove inadequate—the power to extend, or borrow money to pay her actual debt; that debt which she was bound to pay or forfeit her honor; and no one thought of its embracing the school fund by the proviso. To whom is this 34th section directory? I contend it is directed to the legislature, as a limitation on their power, so far as the disposition of the fund is concerned. It is directory to the executive, whose duty it is to check encroachments upon the constitution, and to see that the laws are executed. It is directory to the judiciary, whose duty it is to expound the laws and protect the rights of the parties secured by the section. It is directory to the disbursing officer of the proceeds of the sinking fund—for though he may receive his commission or office from legislative authority, when in office he is bound to discharge his duty in accordance with the provision of the constitution; and, if he misapply the funds, he is individually responsible, for he is obliged to know that the constitution is the supreme law of the land.

We will now see where the friends of education, who were charged with the care of the school fund, stood in this conflict about the mode of paying the public debt. I invite your attention to the journal of the convention, page 135. You will see there seven different sections, intended to be engrafted in the constitution. In the second section the school fund is set forth as in the section adopted by the convention; and then the section proceeds to use these words: "the same is hereby set apart, dedicated, declared to be, and shall remain, *a perpetual fund*, the principal of which shall never be diminished by legislative appropriation or enactment." The sixth section presented by the committee is in these words: "the general assembly shall provide the *ways and means* for the prompt payment and safe custody of the interest now due, or which may hereafter accrue upon the bonds given by the state, and payable to the board of education."

Mark the difference in the language! The 34th section says, the debt of the state shall be paid, and the proceeds of the sinking fund shall be set apart for that, and used to no other, purpose. The school fund shall be a perpetual fund—the principal shall never be diminished—the interest shall be paid by the *ways* and *means* provided by the legislature. Now, does not the language employed present two very distinct and different ideas as to the disposition of the two things, or subjects?

There was opposition made to some of the provisions reported by the committee, when Mr. Wickliffe offered a proposition embracing in one section, in a more condensed form, the main features of the report of the committee, and rejecting those objected to, which was adopted, and here it follows:

"SEC. 1. ART. 11. The capital of the fund called and known as the "Common School Fund," consisting of one million two hundred and twenty five thousand seven hundred and sixty-eight dollars and forty-two cents, for which bonds have been executed by the state to the board of education, and seventy-three thousand five hundred dollars of stock in the Bank of Kentucky; also, the sum of fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents, balance of interest on the school fund for the year 1848, unexpended, together with any sum which may be hereafter raised in the state by taxation, or otherwise, for purposes of education, shall be held inviolate, for the purpose of sustaining a system of common schools. The interest and dividends of said funds, together with any sum which may be produced for that purpose by taxation or otherwise, may be appropriated in aid of common schools, but for no other purpose. The general assembly shall invest said fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents in some safe and profitable manner; and any portion of the interest and dividends of said school fund, or other money or property raised for school purposes, which may not be needed in sustaining common schools, shall be invested in like manner. The general assembly shall make provision, by law, for the payment of the interest of said school fund: *Provided*, that each county shall be entitled to its proportion of the income of said fund, and if not called for, for common school purposes, it shall be re-invested from time to time for the benefit of such county."

Upon the adoption of this section, the chairman of the committee withdrew the sections reported.

The view I take of this section is, that the convention, having no money in fact to put at interest, but recognizing the once existence of a fund, the interest of which had been set apart for the founding and sustaining of a system of common schools, determined to give it vitality and a constitutional existence—that its recognition should be in the form of a bond bearing the signatures of the members of the convention, who acted for and in the name of the people—that it should remain untouched, unhurt, and inviolate, above and beyond the reach of the legislative arm—that the children of the state should never be compelled to look elsewhere than in the face of the constitution of their country, for the existence and recognition of the bounty set apart for them—that having fixed this fund in the constitution, they intended the payment of its annual interest to be equally sacred and obligatory, and for that purpose made the provision that the legislature should provide, by law, for the payment of the interest—that the payment of that interest constitutes the only constitutional obligation on the people to pay money for schools, and runs with the duration of the constitution—that the members of the convention, and especially the peculiar friends of education, in view of the calculations, demonstrating so clearly that the resources of the sinking fund were inadequate to the payment of the interest on the *state debt* and school fund, required that the legislature should provide the *ways and means* for the payment of the interest on the school fund. The requisition in the constitution omits the term ways and means, but if there is any meaning in words to provide for the payment of interest, it means no less than providing *the ways and means* to pay it.

Were the members of the convention so far deceived as to suppose that those words only implied an obligation on the members of the legislature to direct its payment out of a fund already provided, but by law or the constitution directed to be applied to another purpose? If so, why not direct the auditor to draw for it out of the ordinary revenue, and let the officers of the government look elsewhere for their pay? Or what is neither prevented by law or the constitution, direct that the two cents tax, collected for school purposes, be applied to the payment of the interest.

But if the committee's construction be right as to the 34th section, is it not passing strange that the convention, after having settled the ques-

tion, that both principal and interest of the school fund was to be paid by the resources of the sinking fund, should have gone through the formality of using words in relation to the school fund, which, when construed by plain thinking men, contradicts the idea of the payment of the principal, and used such language as would clearly imply that the raising of the interest was a thing which had *to be* done by subsequent legislation. Why produce ambiguity and confusion in the language employed in relation to two of the most important subjects about which they had been called to act? Why place common schools in the way of paying the public debt? Why make it encounter the opposition of those who look to the payment of the public debt as a matter deeply involving the public welfare? Why make the children look to a fund constantly fluctuating, subject to casualties, and, if the principles of the bill which the committee indorse be carried out, to-wit: that the school fund interest shall be postponed for the payment of the interest due to individuals, will cast the result of all casualties and defalcations upon schools. The convention did no such thing. They placed schools upon a much higher footing. They required that the income should be certain—that it should be provided for by the legislature without doubt or delay. They did not make the education of the children depend upon the income of slackwater navigation, turnpike roads, and bank dividends. They did not intend to make the children of the country sit down to the second table, and be helped by the crumbs left, after satisfying our foreign and eastern creditors. No! the framers of the convention set them down to a full table of their own, to the last crumb of their income, and said *you* should spread their board, and make provision for the supply. I demand it at your hands. If you fail to perform this plainly indicated duty, and evil shall befall the children, on your heads must rest the responsibility. "Thou can'st not say I did it."

But it is said, the provision that the legislature shall provide by law for the payment of the interest on the school fund, was intended and does give to schools a double guarantee. That is an idea ridiculous in conception, and unjust and most iniquitous in its practical execution, as I will undertake to demonstrate.

The idea is founded in the supposition that the school fund is to be paid off; and when paid, if not reinvested in such a manner as to produce the interest, you can fall back upon the provision that the legislature shall produce a supply equal to the deficiency. That is, the principal may—nay, must be paid off, and when paid, the whole people stand bound as security for the faithful taking care of the principal and the payment of the interest.

If the school fund is a state debt, then the constitution has decreed that it shall be paid off, and that the resources of the sinking fund shall not be diminished until it is fully paid. Other debts out of the way, and the five cents tax would pay the interest on the school fund, and each year liquidate $60,000 of the principal. I suppose it would not be consented to that it should be compounded, because that would create a necessity for taxation to raise an amount equal to the interest on the abatement of the principal; for the same amount must be raised every year. In the payment thus made in principal, interest, costs, and commissions, the people would be made to pay more than two millions of dollars to pay the principal of a debt, already at interest, that it might,

after being paid, be again put out at interest—a question of sufficient magnitude to induce the people to move at once the call for a convention to rid themselves of so unnecessary a burthen. But if the process of paying by small surpluses, shall be found too slow in its operations, the power to borrow is complete. Now suppose it paid in either form. The power of the legislature to direct the investment cannot be questioned. It may then be divided among the counties and loaned out, or it may be applied to building locks and dams, subscribed in railroad or bank stocks. If loss should attend any one or all these modes of investment, then it is argued the legislature must provide to cover the losses growing out of such investments. You thus offer inducements to the formation of combinations to promote sectional interests by the use of the money, whilst other sections lose nothing because they are protected by this double guarantee. That double guarantee may be made to fall back upon the heavy tax paying counties with a double vengeance—numbers control in legislation.

But that is not all that may be effected by assuming that the school fund is a state debt. The legislature have the power, it is conceded, to direct, by law, that the school fund shall bear six or twelve per cent., and thus, by an increase of interest, it may be made to absorb any surplus you can put into the sinking fund. Such a move would throw all surpluses in the hands of the superintendent, who, unless otherwise directed, may himself commence to purchase the bonds of the state held by individuals. That is precisely one of the provisions, and what is contemplated by the bill indorsed by the committee. Now, how will that scheme of finance work? The people's money is taken to pay or purchase in their own debts, and still they are not paid, because they are held by the board of education, and, being thus held, are still debts against the state; and under the authority of the proviso of the 36th section, there exists a clear right to borrow more money to pay them off. Thus, each payment may be made to re-produce a state debt equal to the amount paid. I am bold to say I would not trust to the care of a succession of superintendents, hundreds, thousands, and millions of state bonds. It would be a high stake to play for. I would have them cancelled, when paid. Those who choose to spring this leak in the new vessel at its launching, may do it—the fault shall not lie at my door.

But it may be said, I imagine what certainly will not occur. The question is, does such a power exist? I say it does not. The position assumed by the committee affirms that it does. Then, the power may be abused, for strange things happen in these days. The majority in numbers may, on calculation, by the principle of dividing out, lose nothing by it. But it may be said to me, your construction leads to taxation. Suppose it does? If it is the true construction of the constitution, the people have ordered it, and you are bound to obey. Such a result, in the very nature of things, must have been anticipated by the framers of the constitution.

That the purposes contemplated by the constitution cannot be carried out without it, is too palpable to admit of doubt. A reluctance to come up to this question, in days gone by, has been the means of using, for ordinary purposes of the government, the whole proceeds of the public lands in Kentucky—the amount of which I have no means of ascertaining—the interest and principal of $750,000 stock in the old Bank of Ken-

tucky—the dividends or profits of the Bank of the Commonwealth, amounting to one million and a quarter; and, if the course marked out by the committee be persisted in, will consume the whole proceeds of the sinking fund, and bring us up to the payment of our four millions of debt, with our means exhausted. In such a case, with this heavy demand resting upon the people, it requires no prophet to tell what will be the fate of common schools.

When the question was up before the convention, Mr. Hardin exhibited a list of the school fund bonds, made a calculation of interest, and distinctly announced, that to order the payment of the interest would lead to additional taxation. (See Debates, p. 881.) Mr. Gholson stated the same thing, page 884. Mr. Machen reiterated it, page 895. They were responded to by Messrs. Proctor, Taylor, Root, and Hood, neither affirming or denying the statement, and by Mr. Bowling, who virtually admitted it. See page 897, where he says: "But the gentleman from Caldwell (Mr. Machen,) would not force the state to pay the interest on this national gift, made sacred by a solemn act of the legislature, forever, to educational purposes. He thinks it might be inconvenient—*that is her concern, not mine.*"

Each of these gentlemen, in speeches highly creditable to themselves and the zealous and ardent friends of the system of schools, avowed their distrust of the legislature, and openly avowed their purpose to put the school fund out of the way of legislation.

Mr. C. A. Wickliffe offered, in convention, the following proposition: "All the funds which have been, or which may be collected, and for common school purposes, shall be held sacred, subject to be regulated by the general assembly, and applied and disbursed as shall seem best to effect the object of general education." Mr. Wickliffe withdrew his proposition; but if the construction given to the constitution by the committee shall be adopted, then the school fund is destined to be placed precisely where Mr. Wickliffe's proposition would have placed it, except as to the principle of distributing the fund among the counties. (See page 889.)

It is contended that the constitutional question has been settled against me by the executive, in the person of Governor Crittenden. I am not advised of Governor Crittenden's opinions on this question. I took an oath upon my installation into the office I now hold, to support the constitution. I have read it, and studied to understand it, and in justice to myself I must interpret as I understand it. Governor Crittenden did pay the first installment of interest on the education bonds, due the 1st July, 1850. The commissioners of the sinking fund were directed by the act now indorsed by the committee, approved March 1, 1850, to pay the interest. The constitution was proclaimed as such on the 20th day of June, 1850. It only operated upon the proceeds of the sinking fund actually produced from and after its adoption; and unless it can be shown that the money he paid was the actual proceeds of the fund between the 20th June and the 1st of July, his act does not at all bear upon the question; for all admit that prior to the adoption of the constitution, the legislature had the indisputable right to direct the funds to be applied in any manner they thought proper.

Again: it is contended that a proposition offered by Mr. Kavanaugh, and rejected, was decisive of the question at issue. The following is the

proposition: "The proceeds of the slackwater navigation of the state, are to form part of the sinking fund, nor is the said sinking fund in any manner to be chargeable with the payment of the interest or principal of the school fund, now due by the state to the board of education." It will be remembered that in the creation of the sinking fund, the proceeds of slackwater constituted part of the fund. In 1848–9, the Legislature, by statute, directed that the proceeds of slackwater should thereafter be set apart, and held sacred for schools, and that the sinking fund should be credited by the proceeds. (See statute, 1849.) Mr. Kavanaugh made his motion under the belief that the proceeds constituted no part of the avails of the sinking fund, and his purpose was to restore it. The question was an entire one, and to vote for it would have had the effect by constitutional enactment, to restore the proceeds of slackwater to that fund, and take it from schools. Mr. Hardin announced that such was the nature of the proposition. But all those who believed as I do, that the meaning of the constitution is, that the sinking fund clause, as adopted, does exclude the idea of paying the interest and principal of the school fund out of the sinking fund, together with those who wanted to retain for schools all they were entitled to under the laws, might well have voted against it. But if that vote is construed to settle affirmatively the proposition negatived, then it means that the convention did settle by that vote, that the interest and principal of the school fund should be paid by the proceeds of the sinking fund, and that the proceeds of slackwater should not be restored. Thus abstracting $25,000 annually, and imposing upon the remaining fund a duty which it was wholly unable to perform *with the* $25,000. That negative vote counts nothing in the settlement of the question. The proposition was rejected.

But by indorsing the act of 1850, the committee affirm another proposition from which I dissent; that is, the power to postpone the school creditors until other creditors were fully paid. If the school fund is a debt, in the meaning of the constitution, the commissioners of the sinking fund hold the funds in trust for all; and in default of ability to pay all, a *pro rata* distribution must be made. The legislature have no power to distinguish between the rights of creditors—the constitution sets it apart as a joint fund for all, and the statute cannot take it away. If the legislature can postpone the school creditors, then they have a right to postpone individual creditors for the benefit of schools. That is just the power which the legislature had before the adoption of the constitution. So nothing is gained by the constitution.

Upon an accurate calculation of the receipts of the sinking fund for the years 1850 and 1851, it appears, and I communicate the fact, that the sinking fund can pay all its charges and the interest on the school fund up to the first day of January 1852, and on that day, according to what I think a fair estimate of the receipts for 1851, have a surplus of $20,092.

I will now explain this state of things that you and the country may not be deluded into a hope of its continuance. You will perceive by the report of the commissioners of the sinking fund, that for 1850 the banks paid $64,715 50 more than in any one of the preceding four years. The rivers, however, paid about $20,000 less.

The extra dividends for the years 1850 and 1851 amount to $55,695; of that sum $18,798 was paid in for 1851, and but for that extra divi-

dend, the sinking fund on the 1st day of January, 1851, would have exhibited, after paying school fund interest, a surplus of $1,294 only. Eight per cent. dividends upon the whole bank stock produces the sum of $101,640 per year. In two years the sum of $203,280. For the two years 1850 and 1851, the sinking fund has received from the banks $274,-174, including extra dividends, showing a receipt of dividends over eight per cent of $70,894.

But for those extraordinary dividends, the sinking fund would lack an ability to pay the interest on both funds up to 1st January, 1852, the sum of about $50,000. The extra dividends are, for the greater part, derived from the proceeds of the funds received from the judgment of the Bank of Kentucky against the Schuylkill Bank. But for the extra dividends from that source alone the sinking fund would, on the 1st day of January, 1852, be deficit $35,602 15 in the payment of interest on both funds. I am assured that no further aid need be looked to from that source for two or three years; and that the banks will not, in all probability, be able to declare a greater dividend than eight per cent. It is from the Bank of Kentucky the sinking fund derives its greatest aid, receiving only from the others the net sum of $13,948, at eight per cent dividends. I have thus presented the figures as they stand for the term I will continue connected with the administration of the affairs of the government. I will not indulge in anticipations for a time beyond that period. To that you must turn your attention—to the prospect before you for 1852. Look to the competition in banking. Look to the projects of railroads proposed to be brought in competition with your turnpikes and slackwater. Look well to the state of your ordinary revenue. Imagine to yourselves, the keepers of the two funds in conflict for supremacy, the sinking fund commissioners insisting upon retaining a surplus bearing some just proportion to the amount received and disbursed, with a view to guard against casualties that may happen, and preserve from ruin the resources themselves, that the public credit may be preserved from dishonor. Look to all this as becomes legislators, and ask yourselves if you had not better at once meet the crisis. Determine to preserve the public honor, pay the public debt, and sustain schools. It may not be inappropriate here to announce that I have an offer to redeem five per cent. bonds, to a very considerable amount, on terms advantageous to the state.

If you pursue that course, you will know that you have not violated the constitution. If you cannot meet the emergency in time, you have the power to borrow money to meet the temporary deficit.

Allow me to present for your consideration a single fact, which must result from the policy indicated by your committee. If the taxes are increased three cents on the one hundred dollars, it will produce $75,000 a year. In fifteen years that sum will produce $1,125,000. If you will apply $75,000, annually, to the liquidation of the public debt, together with the increased surplus annually produced by thus reducing the principal of the public debt, you will have paid, in the fifteen years, $1,925,-428. Now, I concede if you would, in like manner, compound the $75,-000 raised by taxation, it would produce precisely the same result. But that would be levied for a domestic purpose. It would be taken from the pockets of the people, would be expended for the purpose of educating the children of the country, and, being expended for that purpose, would speedily again find its way to the pockets of the tax payer. It

is an unwise policy to attempt to compound, at interest, a sum which must be expended at home, and for domestic purposes. The sum that will be produced by the three cents tax, will pay, promptly and fully, the interest due on the school bonds; but if you refuse the three cents tax, you thereby assume a debt of $1,326,770—the amount of school bonds—and you also determine that the five cents tax, now raised for the sinking fund, must be continued until the whole debt, including the school bonds, is fully paid. Would it not be the part of wisdom to begin at once to pay the public debt, while we have the bank dividends to aid us? If the legislature will at once provide, by law, the means to pay the interest on the school fund, and permit the sinking fund commissioners to appropriate the surplus at their command, the public debt may be paid without the slightest oppression to the people. If, however, we begin to postpone the day for beginning to pay the debt of the state, the day of reckoning, which is fast approaching, will bring with it a train of troubles and distresses for the people, which are not now dreamed of.

Let us look a little ahead. In 1865–'6, our bank charters expire. In eighteen and twenty years nearly all our state debt falls due. If the money is demanded when due, we must pay or be dishonored. If we are compelled to pay, and make payment at New York, where much the larger portion of our bonds are payable, can our banks, even if they are re-chartered, withstand such a demand for eastern exchange? If then we cannot pay, we will be pretty much at the mercy of our creditors, so far as a contract for further time is concerned. They will prescribe the terms upon which we may hope to gain time. It will not do to say that we will fix the terms. The right belongs to our creditors, and our people will not think of divesting them of that right, because we may have the power to do it.

But that is not all. There is owing by the different states of the United States, between one hundred and fifty and two hundred millions of dollars. The greater part of this vast sum matures about the same period that the larger part of our debt matures. And, there are banks in the United States with an aggregate incorporated capital of over two hundred millions of dollars, the charters of the larger number of which expire about the same period. New York, alone, has a capital of about $29,000,000 in banks, the charters of which expire in 1866. There is now, in all the banks of the United States, but little over $45,000,000 of specie. Kentucky owes very nearly one-tenth of that sum. An immense sum of the vast debt of Great Britain falls due in 1865. What great crisis in the financial world will distinguish the period at which these vast debts mature, is more than I can foretell; but I submit it to you if it is not the part of prudence, at least, to be prepared for the worst? It is said, however, by some, that these are questions which concern posterity—not the present generation—and we are advised to let posterity take care of itself. We created this debt, and, as honest men, mindful of our duties to our country, our children, and ourselves, we are bound by every consideration of honor and patriotism, to pay our part of it.

The people of Kentucky look with interest to the settlement of this question. It is one of great magnitude, and I trust and believe you will meet it in such a manner as shall best promote the honor and glory of our beloved commonwealth. You have the power to determine wheth-

er Kentucky shall begin at once to pay her public debt, or whether she shall again begin the ruinous policy of procrastination. Do not be deceived by the cry that it is a war between the school fund, which belongs to the children of our state, and our foreign creditors. It is no such thing. It is as much your duty to provide for the payment of the interest on the school fund, as it is to pay the interest and principal of your public debt, and I am sure you will so regard it. The constitution declares that the resources of the sinking fund shall be dedicated to the payment of the interest and principal of the debt of the state. The constitution also declares that the interest on the school fund shall be paid, and by that instrument it is made your imperative duty to provide for the payment of that interest, and I believe it is as much your duty, acting under the constitution, to provide the means to pay the interest on the school fund, as it is to protect and vindicate the constitutional dedication of the resources of the sinking fund to our individual creditors. Follow the path of duty as marked out in the constitution, and I do not permit myself to doubt that you will receive, upon your return to your constituents, their cheerful and hearty congratulations.

JOHN L. HELM.

JANUARY 19, 1850.

A Table showing how, by the investment of $50,000 *per annum, the State Debt may be paid off.*

1st January, 1847, invested, - - -	$50,000 00	
1st year's interest, - - - -	3,000 00	
2d year's investment, - - - -	50,000 00	
	103,000 00	January 1, 1848
2d year's interest, - - - -	6,180 00	
3d year's investment, - - - -	50,000 00	
	159,180 00	January 1, 1849
3d year's interest, - - - - -	9,550 80	
4th year's investment, - - - -	50,000 00	
	218,730 80	January 1, 1850
4th year's interest, - - - -	13,123 84	
5th year's investment, - - - -	50,000 00	
	281,854 60	January 1, 1851
5th year's interest, - - - -	16,911 27	
6th year's investment, - - - -	50,000 00	
	348,765 87	January 1, 1852
6th year's interest, - - - -	20,925 95	
7th year's investment, - - - -	50,000 00	
Amount carried forward, - - -	419,691 82	January 1, 1853

Amount brought forward,	419,691 82	January 1, 1853
7th year's interest,	25,181 50	
8th year's investment,	50,000 00	
	494,873 32	January 1, 1354
8th year's interest,	29,692 39	
9th year's investment,	50,000 00	
	574,565 71	January 1, 1855
9th year's interest,	34,473 94	
10th year's investment,	50,000 00	
	659,039 65	January 1, 1856
10th year's interest,	39,542 37	
11th year's investment,	50,000 00	
	748,582 02	January 1, 1857
11th year's interest,	44,914 92	
12th year's investment,	50,000 00	
	843,496 94	January 1, 1858
12th year's interest,	50,609 81	
13th year's investment,	50,000 00	
	944,106 75	January 1, 1859
13th year's interest,	56,646 40	
14th year's investment,	50,000 00	
	1,050,753 15	January 1, 1860
14th year's interest,	63,045 18	
15th year's investment,	50,000 00	
	1,163,798 33	January 1, 1861
15th year's interest,	69,827 89	
16th year's investment,	50,000 00	
	1,283,626 22	January 1, 1862
16th year's interest,	76,997 57	
17th year's investment,	50,000 00	
	1,410,623 79	January 1, 1863
17th year's interest,	84,637 42	
18th year's investment,	50,000 00	
	1,545,261 21	January 1, 1864
18th year's interest,	92,715 67	
19th year's investment,	50,000 00	
	1,687,926 88	January 1, 1865
19th year's interest,	101.278 60	
20th year's investment,	50,000 00	
Amount carried forward,	1,839,255 48	January 1, 1866

Amount brought forward, - - -	1,839,255 48	January 1, 1866
20th year's interest, - - - -	110,355 32	
21st year's investment, - - - -	50,000 00	
	1,999,610 80	January 1, 1867
21st year's interest, - - - -	119,976 64	
22d year's investment, - - - -	50,000 00	
	2,169,587 44	January 1, 1868
22d year's interest, - - - -	130,175 24	
23d year's investment, - - - -	50,000 00	
	2,349,762 68	January 1, 1869
23d year's interest, - - - -	140,985 75	
24th year's investment, - - - -	50,000 00	
	2,540,748 43	January 1, 1870
24th year's interest, - - - -	152,444 90	
25th year's investment, - - - -	50,000 00	
	2,743,193 33	January 1, 1871
25th year's interest, - - - -	164,591 59	
26th year's investment, - - - -	50,000 00	
	2,957,784 92	January 1, 1872
26th year's interest, - - - -	177,467 09	
27th year's investment, - - - -	50,000 00	
	3,185,252 01	January 1, 1873
27th year's interest, - - - -	191,115 12	
28th year's investment, - - - -	50,000 00	
	3,426,367 13	January 1, 1874
28th year's interest, - - - -	205,582 02	
29th year's investment, - - - -	50,000 00	
	3,681,949 15	January 1, 1875
29th year's interest, - - - -	220,916 94	
30th year's investment, - - - -	50,000 00	
	3,952,866 09	January 1, 1876
30th year's interest, - - - -	237,171 96	
	$4,190,038 05	

Mr. Shepard moved to print 3,000 copies of said message for the use of the Senate.

Mr. Kouns moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall 3,000 copies of said message be printed?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and E. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Robert A. Patterson,	Robert S. Russell,
James P. Barbour,	Hamilton Pope,	James M. Shepard,
James W. Hays,	Camden Riley,	Berry Smith,
Fitch Munger,	John W. Ritter,	William Sterett—12.

Those who voted in the negative, were

Hall Anderson,	John Eaker,	Thomas P. Linthicum,
Camden M. Ballard,	Elihu Hogan,	William N. Marshall,
John P. Bruce,	Overton P. Hogan,	Thomas Rouse,
William C. Bullock,	James W. Irwin,	Nathaniel P. Saunders,
Joshua Buster,	Alfred Johnston,	Thomas J. Smith,
Walter Chiles,	John C. Kouns,	Caleb B. Wallace,
Sam. Daviess Delany,	John W. Leathers,	Thomas I. Young—21

On motion of Mr. Irwin,

Ordered, That 150 copies of said message be printed for the use of the Senate.

Leave was given to bring in the following bills, viz:

On motion of Mr. Barbour—1. A bill to incorporate Hebron Lodge, No. 19, Independent Order of Odd Fellows.

On motion of Mr. Sterett—2. A bill to amend the charter of the town of Hardinsburg.

On motion of Mr. Bruce—3. A bill to give the Sheriff of Knox further time to return his delinquent list of revenue.

On motion of same—4. A bill to give the Sheriff of Rockcastle further time to return his delinquent list of revenue.

On motion of Mr. Leathers—5. A bill to allow the Sheriff of Kenton until the 10th of April next to return his delinquent list.

The committee on the Judiciary was directed to prepare and bring in the 1st; and the committee on Finance the 2d, 3d, 4th, and 5th.

Mr. Patterson moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to prepare and report bills to the Senate, on or before the 23d inst., to carry into effect the provisions of the thirty-second section of the second article of the Constitution.

And the question being taken on the adoption of said resolution, it was decided in the negative; so the said resolution was rejected.

Mr. O. P. Hogan moved the following resolution, viz:

Resolved, That the Superintendent of Public Instruction be requested to lay before the Senate all the statistics and facts which he may have in his possession, and any argument he may see proper to lay before the Senate, in relation to the Governor's late message to the House of Representatives, whether the Sinking Fund is responsible for the interest on the bonds of the State held by the Board of Education or not.

Ordered, That the further consideration of said resolution be postponed until the 20th inst.

Mr. Eaker moved the following resolution, viz:

Resolved, That the committee on the Sinking Fund be directed to inquire into the power and expediency of the passage of a law providing for the investment, from year to year, of any balance remaining in the Sinking Fund after the payment of all demands against it, and that they report by bill or otherwise.

Which was adopted.

And then the Senate adjourned.

MONDAY, JANUARY 20, 1851.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

An act to amend an act, entitled, an act to amend and re-enact an act, entitled, an act to incorporate the Henderson and Nashville Railroad Company, approved March 4, 1850.

An act to create the office of Police Judge in the town of Clinton.

An act for the benefit of the citizens of the town of Burksville.

An act to amend the charter of the Eagle Creek, New Liberty, Owenton, and Scott County Line Turnpike Road Company.

An act to enlarge the jurisdiction of the Police Judge of the town of Hartford.

An act giving the Meade County Court jurisdiction of a part of the Salt River and Bowlinggreen Road.

1. Mr. Munger presented the petition of sundry citizens of Nicholas county, praying the passage of a law to prohibit the license of foreign itinerant peddlers of merchandise.

2. Mr. Johnston presented the petition of the heirs of Joseph Burnett, deceased, praying the passage of a law empowering James Boden to receive for them any money in the hands of the Trustees of School District ,No. 22, in Marshall county, for services rendered by their father as teacher in said District.

Which petitions were received, the reading dispensed with, and referred—the 1st to the committee on Finance; and the 2d to a select committee, consisting of Messrs. Johnston, Patterson, and Eaker.

Mr. Barbour, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act to authorize the County Court of Nicholas county to change, alter, or discontinue, a State road in said county.

An act to reduce the limits of the town of Monticello.

An act for the benefit of the Sheriff of Caldwell county.

An act to repeal an act declaring Whippoorwill a navigable stream.

An act to amend an act for the benefit of William Joshua Barney, and Georgiana, his wife.

An act to incorporate the Henry Female College.

An act to amend an act approved November 18, 1850, to settle the dividing line of Estill and Owsley counties.

An act to confirm a sale to S. S. Atwell, by the Second Auditor, of a house and lot in Brandenburg.

An act to amend an act, entitled, an act for the benefit of the soldiers of the late war with England, &c.

An act to amend the police law of the town of Bedford, in Trimble county.

An act to incorporate Curd Lodge, No. 175.

An act to incorporate Somerset Royal Arch Chapter, No. 25.

An act for the benefit of Jesse Cassity, late Sheriff of Morgan county.

An act for the benefit of Nathan B. Lowe and Joshua West.

An act for the benefit Allen C. Scott.

An act to amend an act, entitled, an act for the benefit of the Laurel County Seminary, approved February 28, 1835.

An act to repeal so much of an act, approved February 23, 1849, as declares Three Mile Creek, in Lawrence county, a navigable stream.

An act to amend an act, entitled, an act to amend the charter of the town of Bowlinggreen, approved 5th March, 1850.

An act to establish the Police Court of Flemingsburg.

An act to establish an additional Justices' and Constables' district in Fulton county.

An act to incorporate the Hall of Simpson Division, No. 75, Sons of Temperance.

An act to enlarge the limits of the town of New Market, in Marion county.

An act for the benefit of the Clerk of the Union County Court.

An act to authorize the trustees of Paris to levy a tax upon the property of the citizens of said town, and upon property within a mile of said town, to aid in the construction of the Covington and Lexington Railroad.

And enrolled bills and enrolled resolutions, which originated in the Senate, of the following titles, viz:

An act for the benefit of William R. Gough, of Graves county.

An act for the benefit of Ephraim Smith.

An act to amend the charter of the Clark's Run and Salt River Turnpike Road Company.

An act to amend the act incorporating the Warsaw Turnpike Road Company.

An act to reduce the number of districts in Mercer county for the election of Justices of the Peace and Constables.

Resolution of instruction to the committee on Banks.

Resolution to add Camden M. Ballard, and others, to the committee to visit the Institution for the Blind, and Marine Hospital.

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Barbour reported that the committee had performed that duty.

The Speaker laid before the Senate the annual report of the Board of Visitors of the Kentucky Institution for the Education of the Blind.

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer print 1,000 copies of said report; one half for the use of the Senate, and the remainder for the use of the Institution.

Mr. E. Hogan presented to the Senate the annual report of the Directors of the Kentucky Lunatic Asylum.

[*For Report—see Legislative Documents.*

Ordered, That the Public Printer print 500 copies of said report for the use of the Senate.

Two messages, in writing, were received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said messages were taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
January 20, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons to be Majors in the Kentucky Militia of the respective Regiments and Brigades attached to their names:

James H. Elliott, of the 9th Regiment, 5th Brigade.
Charles Marshall, of the 30th Regiment, 25th Brigade.
J. R. McVey, of the 114th Regiment, 25th Brigade.
James Plummer, of the 58th Regiment, 25th Brigade.
Marvel M. Logan, of the 127th Regiment, 20th Brigade.
James M. Rawlins, of the 12th Regiment, 6th Brigade.

B. A. Marsh, of the 92d Regiment, 6th Brigade.
William Ruford, of the 17th Regiment, 5th Brigade.
Elom Green, of the 62d Regiment, 1st Brigade.
Thomas Boyd, of the 72d Regiment, 27th Brigade.
Vincent Croft, of the 39th Regiment, 27th Brigade.
James F. Jones, of the 29th Regiment, 7th Brigade.
J. S. Willhoite, of the 100th Regiment, 6th Brigade.

JOHN L. HELM.

Gentlemen of the Senate:

I nominate for your advice and consent, John E. Cosson, to be Police Judge of the town of Somerset, *vice* James D. Allcorn, resigned.

Abraham Hunter, to be Gate Keeper on the Wilderness Turnpike road.

James A. Lee, to be Mayor of the city of Maysville.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill for the benefit of Common Schools, reported the same, with an amendment as a substitute for said bill.

Ordered, That said bill be made the special order of the day for Friday, the 24th inst.; and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Pope, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to authorize the County Courts to change the names of persons.

An act to incorporate the Marine Insurance Company, at Paducah.

Reported the same, with amendments to each, which were concurred in.

Ordered, That said bills be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee to whom was referred the petition of Temperance McGuire, praying the passage of a law allowing her, as executrix of her deceased husband, to sell certain lots to pay the debts of the estate; also, the petition of James N. Underwood, for a change of venue, reported the same with the following resolution thereon, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Hays, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate Harvey McGuire Lodge, No. 209, of Free and Accepted Masons.

An act to amend an act, entitled, an act to incorporate the several Masonic Institutions of the city of Louisville.

An act for the benefit of V. T. Smith.

An act to repeal an act establishing a Police Court in the town of Hardinsburg.

An act to incorporate the town of Clementsburg, in Crittenden county.

An act to legalize an order of the Hickman County Court, appointing an agent to sell Seminary lands.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill to amend the road laws of this Commonwealth, reported the same without amendment.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative; so the said bill was rejected.

Mr. Morgan, from the same committee, to whom was referred the petition of sundry citizens of the counties of Hardin, Meade, Bullitt, and Jefferson, for the formation of a new county out of parts thereof, reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

On motion of Mr. Hays,

Ordered, That the further consideration of said resolution be postponed until Monday, the 27th inst.

Mr. Chiles, from the committee on Finance, reported a bill to amend the charter of the town of Hardinsburg; which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

The question was taken on engrossing and reading said bill a third time, and it was decided in the negative; so the said bill was rejected.

Mr. Chiles, from the same committee, to whom was referred leave to bring in a bill for the benefit of Araminta Ashbrook, asked to be discharged from the further consideration thereof, which was granted.

Mr. Chiles, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Robert Kinkead, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to authorize taxation to build a School House in District No. 25, in Lewis county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill to amend the charter of the Louisville and Frankfort Railroad Company.

By Mr. Irwin, from a select committee—A bill to provide for a geological survey.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bills be placed in the orders of the day.

Mr. Ritter, from a select committee, reported a bill the better to define and punish penal offences; which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order, in committee of the whole, for Thursday, the 30th inst.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill for the benefit of William C. Halbert, Sheriff of Lewis county.

By same—A bill to amend and reduce into one the several acts incorporating the Franklin Fire, Marine, and Life Insurance Company of Louisville.

By Mr. Morgan, from the committee on Propositions and Grievances—A bill to change the boundary lines of the town of Harrodsburg.

By Mr. Chiles, from the committee on Finance—A bill for the benefit of David A. Knox.

By same—A bill for the benefit of John B. Whalen, of Marion county.

By same—A bill for the benefit of Philip F. Jones.

By Mr. Johnston, from a select committee—A bill for the benefit of the heirs of Joseph Burnett, deceased.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Chiles—1. A bill to amend an act, entitled, an act to incorporate certain Turnpike Road Companies in Montgomery county, and for other purposes, approved March 5, 1850.

On motion of Mr. Morgan—2. A bill to run the dividing line between the counties of Lewis and Mason.

On motion of Mr. Anderson—3. A bill for the benefit of School District, No, 20, of Garrard county.

On motion of Mr. Kouns—4. A bill to amend the jury law.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on Propositions and Grievances the 2d; the committee on Education the 3d; and the committee on the Judiciary the 4th.

Mr. Irwin moved the following resolution, viz:

Resolved, That the President of the Board of Internal Improvement be requested to report to the Senate the amount of stock subscribed and paid in by individuals and corporations (or counties) in the several turnpike roads in this Commonwealth, in which the State has stock, and its proportion to the stock of the State as subscribed and paid in.

Which was adopted.

Mr. Rouse moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of amending an act of last session, entitled, an act to amend the act to regulate the administration and settlement of estates, approved February 20, 1839, and that they report by bill or otherwise.

Which was adopted.

Mr. Hays moved the following resolution, viz:

Resolved, That the select committee appointed heretofore to bring in a bill to fix the salaries of the various officers of this Commonwealth be, and they are hereby required to report, *on or before the 25th inst.*, by bill or otherwise.

Mr. Barbour moved to amend said resolution, by striking out all that part printed in italics, and inserting in lieu thereof "so soon as acts be passed prescribing the jurisdiction of the various Courts."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Said resolution, as amended, was then adopted.

Mr. Pope read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the salary of the County Judges should be paid by each county out of its levy.

Mr. Bruce read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 10th day of March, they will adjourn *sine die*.

Mr. Chiles moved the following resolution, viz:

Resolved, That after to-morrow, the Senate will hold evening sessions, commencing at 3 o'clock, so long as there shall be any business unfinished in the orders of the day.

Mr. Leathers moved to amend said resolution, by substituting in lieu thereof the following, viz:

Resolved, That after Tuesday, the 21st inst., the Senate will meet at 9 o'clock, A. M., instead of 10 o'clock.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Said resolution, as amended, was then adopted.

Mr. Chiles moved the following resolution, viz:

Resolved, That from and after the 21st inst., the orders of the day shall be called at 11 o'clock, A. M., instead of 12 o'clock, M., as now provided by the rules of the Senate.

Which was adopted.

A bill for the benefit of Joseph A. Vance was taken up.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Hamilton Pope,
John P. Bruce,	John C. Kouns,	Camden Riley,
William C. Bullock,	John W. Leathers,	John W. Ritter,
Joshua Buster,	Beriah Magoffin,	Robert S. Russell,
Walter Chiles,	William N. Marshall,	James M. Shepard,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith,
John Eaker,	Fitch Munger,	William Sterett,
James W. Irwin,	Robert A. Patterson,	Caleb B. Wallace—24.

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	Thomas Rouse,
Camden M. Ballard,	Elihu Hogan,	Nathaniel P. Saunders,

James P. Barbour, Overton P. Hogan, Berry Smith,
Richard C. Graves, Thomas P. Linthicum, Thomas I. Young—12.

Resolved, That the title of said bill be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, JAN. 20, 1851.

Gentlemen of the Senate, and
House of Representatives:

I transmit herewith resolutions passed by the convention to revise the constitution of the State of New Hampshire, in relation to the compromise measures.

JOHN L. HELM.

RESOLUTIONS,

PASSED BY THE CONVENTION TO REVISE THE CONSTITUTION OF THE STATE OF NEW HAMPSHIRE, JANUARY 1, 1851.

Resolved, That in the struggle that resulted in our independence as a nation—amidst the embarrassments arising from the imperfection and weakness of the old confederation, and in the calm wisdom that framed and secured the adoption of the present constitution of our country, we recognize the guidance of a merciful, benign, and overruling Providence.

Resolved, That we regard the union of these states under the constitution of the United States, as the source of the innumerable blessings of the past, and of all our hopes for the future, and that every motive of grateful recollection and confident anticipation prompts us to maintain that union and that constitution.

Resolved, That with the fidelity which honor and integrity demand, we will observe and fulfil the "explicit and solemn compact" to which the convention of 1788, in the name of the people of this state, gave their ratification and assent; and while we enjoy the privileges it confers, we will never seek to avoid the duties it imposes.

Resolved, That "the blessings of liberty to ourselves and our posterity" can only be perpetuated by a strict observance of all the provisions of the constitution, and by cultivating that spirit of kindness, conciliation, and concession in which the sacred compact had its origin.

Resolved, That we hail with joy the apparent prevalence of better and more fraternal feelings between patriotic citizens of the southern and northern states—that the attitude of the executive and legislative departments of the general government, upon the subject of the union, is characterized by elevated purpose and statesmanlike forecast; and that we will firmly stand by and maintain the compromise measures of the last session of congress, regarding them as, on the whole, not merely wise and patriotic, but essential to the union and prosperity, peace and progress of this great confederacy.

Resolved, That the resolutions adopted by this convention, relating to the union, be signed by the president and countersigned by the secretary, and that the president be requested to transmit copies thereof to the president of the United States, the heads of the several departments, the governors of the several states of the union, and to each of our senators and representatives in congress.

FRANK. PIERCE, *President.*

THO'S. J. WHIPPLE, *Secretary.*

Ordered, That said message be referred to the committee on Federal Relations; and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Senate again, according to order, took up for consideration the resolution moved by Mr. O. P. Hogan, on the 18th inst, requesting information from the Superintendent of Public Insruction in relation to the liability of the Sinking Fund for the interest on the school bonds.

Ordered, That said resolution be referred to a committee of the whole.

Whereupon, the Senate resolved itself into a committee of the whole on said resolution, Mr. Eaker in the Chair; after some time spent therein, the Speaker resumed the Chair, when Mr. Eaker reported that the committee had, according to order, had under consideration the resolution aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again, which was granted.

And then the Senate adjourned.

TUESDAY, JANUARY 21, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled,

An act to incorporate Wayne Lodge, No. 119, of Free and Accepted Masons.

Mr. Ritter presented the petition of sundry citizens of the town of Glasgow, praying a repeal of the law of the present session requiring the citizens of said town to work on the streets thereof.

Which petition was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Hays moved a reconsideration of the vote rejecting a bill to amend the charter of the town of Hardinsburg.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

Ordered, That said bill be placed in the orders of the day.

Mr. T. J. Smith, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to incor-

porate the Mount Zion Cumberland Presbyterian Church, in Henderson county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Columbus Masonic Seminary, in Hickman county, reported the same with an amendment, which was concurred in.

Ordered, That said bill be placed in the orders of the day.

The following bills were reported, viz:

By Mr. Leathers, from the committee on Internal Improvement—A bill to amend an act, entitled, an act to incorporate certain Turnpike Road Companies in Montgomery county, and for other purposes, approved March 5, 1850.

By Mr. Chiles, from the committee on Finance—A bill for the benefit of the Sheriff of Knox county.

By same—A bill for the benefit of the Sheriff of Rockcastle county.

By same—A bill for the benefit of the Sheriff of Kenton county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
January 21, 1850.

Gentlemen of the Senate:

I nominate, for your advice and consent,

William Riddle, to be Lieutenant Colonel of the Louisville Legion.

J. G. Stein, to be Major of the Louisville Legion.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

The Speaker laid before the Senate the response of the Clerk of the Court of Appeals, to a resolution of the General Assembly, which is as follows, viz:

OFFICE OF THE CLERK OF THE COURT OF APPEALS,
FRANKFORT, January 21, 1851.

To the General Assembly of the Commonwealth of Kentucky:

In response to a joint resolution of your body, requesting "the clerk to furnish a full and complete report of the gross amount of his fees, per annum, for the last five years, and also the net amount of said fees for the same time, after deducting the amount paid to his assistants," &c., I reply:

It would take more time to calculate the amount for each of the five years specified in the resolution, than I could now devote to it, and have, therefore, concluded to make the calculation for an average year, which I suppose will answer the purpose for which the information is desired.

The number of cases in the year 1846, was,	736
The number of cases in the year 1847, was,	796
The number of cases in the year 1848, was,	745
The number of cases in the year 1849, was,	642
The number of cases in the year 1850, was,	700

I selected the year 1846 as a basis for the calculation—being a little over an average year. The gross amount of fees charged for that year was $11,370 34.

I have never before calculated the amount of fees charged in any year, nor kept any account of losses; but I am satisfied that at least one-third of the nominal amount is not collectable. The fees which make up the remainder are, with few exceptions, sold to officers, parties, or such other persons as choose to purchase, at a discount of from twenty to fifty per cent.,—the discount being generally governed by the amount of the bills, the residence of the debtor, and the difficulties in collecting them.

The account for the year selected will stand thus:

Gross amount of fees,	$11,370
One-third deducted, (not collectable,)	3,790
	7
Deduct an average discount of about 25 per cent., for deductions, commissions, or expenses in collecting,	1,895
	5,685
Deduct for clerk hire, stationery, &c.,	2,300
	$3,385

This statement contains what I consider a fair average of the net proceeds of the office, and believe it exceeds the amount actually realized.

Respectfully, J. SWIGERT, C. C. A.

Ordered, That the Public Printer print 150 copies of said response for the use of the General Assembly.

Leave was given to bring in the following bills, viz:

On motion of Mr. Leathers—1. A bill to amend the charter of the Bank Lick Turnpike Road Company.

On motion of Mr. Ballard—2. A bill to lay off the county of Henry into Magistrates' and Constables' Districts, and appointing additional Commissioners, and for other purposes.

On motion of Mr. Marshall—3. A bill better to protect the *bona fide* house keepers.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on County Courts the 2d; and Messrs. Marshall, Rouse, and Bruce, were appointed a committee to prepare and bring in the 3d.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State, communicating the condition of the ordinary Revenue, the Sinking and School Funds, &c.

The rule of the Senate being dispensed with, said message was taken up, and read.

[*For Message—see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of said message for the use of the General Assembly.

The Senate again resolved itself into a committee of the whole, Mr. Eaker in the Chair, on the resolution moved by Mr. O. P. Hogan, on the 18th inst., requesting information from the Superintendent of Public Instruction in relation to the liability of the Sinking Fund for the interest on the school bonds; and after some time spent therein, the Speaker resumed the Chair, when Mr. Eaker reported that the committee had, according to order, had under consideration the resolution aforesaid, and had instructed him to report the same to the Senate without amendment.

Said resolution is as follows, viz:

Resolved, That the Superintendent of Public Instruction be requested to lay before the Senate all the statistics and facts which he may have in his possession, *and any argument he may see proper to lay before the Senate in relation to the Governor's late message to the House of Representatives*, on the subject whether the Sinking Fund is responsible for the interest on the bonds of the State held by the Board of Education.

Mr. Bruce moved to lay said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Hays, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Robert S. Russell,
John P. Bruce,	Daniel Morgan,	James M. Shepard,
William C. Bullock,	Fitch Munger,	Berry Smith,
Joshua Buster,	Camden Riley,	William Sterett,
Richard C. Graves,	John W. Ritter,	Caleb B. Wallace—16.
James W. Hays,		

Those who voted in the negative, were—

Hall Anderson,	Overton P. Hogan,	William N. Marshall,
Camden M. Ballard,	Alfred Johnston,	Robert A. Patterson,
James P. Barbour,	John C. Kouns,	Thomas Rouse,
Walter Chiles,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	Thomas J. Smith,
John Eaker,	Beriah Magoffin,	Thomas I. Young—19.
Elihu Hogan,		

Mr. Hays moved to amend said resolution, by striking out all that part printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John Eaker,	John W. Ritter,
James P. Barbour,	Richard C. Graves,	Robert S. Russell,
John P. Bruce,	James W. Hays,	James M. Shepard,
William C. Bullock,	Daniel Morgan,	William Sterett,
Joshua Buster,	Camden Riley,	Caleb B. Wallace—16.
Walter Chiles,		

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	Robert A. Patterson,
Camden M. Ballard,	John W. Leathers,	Thomas Rouse,
Sam. Daviess Delany,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Elihu Hogan,	Beriah Magoffin,	Berry Smith,
Overton P. Hogan,	William N. Marshall,	Thomas J. Smith,
James W. Irwin,	Fitch Munger,	Thomas I. Young—19.
Alfred Johnston,		

The question was then taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ritter and Graves, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	Robert A. Patterson,
Camden M. Ballard,	John C. Kouns,	Thomas Rouse,
James P. Barbour,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	Berry Smith,
Elihu Hogan,	Beriah Magoffin,	Thomas J. Smith,
Overton P. Hogan,	William N. Marshall,	Thomas I. Young—18

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	John W. Ritter,
John P. Bruce,	James W. Hays,	Robert S. Russell,
William C. Bullock,	James W. Irwin,	James M. Shepard,
Joshua Buster,	Daniel Morgan,	William Sterett,
Walter Chiles,	Fitch Munger,	Caleb B. Wallace—17
John Eaker,	Camden Riley,	

The Speaker laid before the Senate the response of the President of the Board of Internal Improvement, to a resolution of the Senate of the 20th inst., which is as follows, viz:

OFFICE OF BOARD OF INTERNAL IMPROVEMENT,
JANUARY 21, 1851.

The President of the Board of Internal Improvement, in compliance with a resolution of the Senate, passed on yesterday by that honorable body, and directed to his office, begs leave to present the annexed table, containing all the informa-

tion, upon the subjects embraced in the resolution, which the archives of the office enable him to furnish. Respectfully,

J. SPEED SMITH.

TO THE HONORABLE SENATE OF KENTUCKY.

A TABLE *showing amounts paid by the State and individuals in the various Turnpike roads.*

Style of Company.	Am't. paid by the State.	Amount paid by individuals.
Maysville, Washington, Paris, and Lexington,	$ 213,200 00	$ 213,200 00
Franklin County—road towards Louisville,	20,000 00	20,000 00
Shelby County—road towards Louisville,	45,000 00	45,000 00
Muldrow's Hill,	55,145 46	
Mercer County—Crab Orchard road,	71,800 00	53,163 47
Frankfort, Lexington, and Versailles,	78,122 00	78,386 23
Danville, Lancaster, and Lexington,	151,382 00	143,362 64
Scott County,	43,325 00	42,706 00
Franklin County—Georgetown road,	15,400 00	15,400 00
Lincoln County—Crab Orchard road,	51,299 00	51,899 00
Covington and Williamstown,	86,912 66	69,828 18
Georgetown and Williamstown,	83,223 11	39,761 24
Winchester and Lexington,	45,100 00	33,100 00
Anderson County—Crab Orchard road,	42,950 00	26,625 00
Louisville to mouth of Salt river,	65,340 99	29,676 91
Mouth of Salt river to Elizabethtown,	84,581 16	41,100 00
Elizabethtown to Bell's Tavern,	118,778 24	53,279 45
Bell's Tavern to Bowlinggreen,	85,488 70	37,586 86
Bowlinggreen to Tennessee line,	87,194 16	39,988 43
Franklin County—Hardinsville road,	17,064 00	6,532 00
Bardstown and Springfield,	65,190 60	60,425 00
Lexington, Harrodsburg, and Perryville,	109,646 00	109,646 00
Louisville and Bardstown,	100,000 00	100,000 00
Bardstown and Green river,	289,825 19	136,152 00
Glasgow and Scottsville,	110,385 38	44,318 81
Mount Sterling and Maysville,	88,072 59	72,861 54
Versailles and Anderson County,	20,000 00	20,260 00
Logan, Todd, and Christian,	149,428 91	64,572 35
Maysville and Bracken,	25,948 00	22,558 00
Richmond and Lexington,	75,383 00	75,383 00
Georgetown and Lexington,	30,270 00	30,270 00
Owingsville and Big Sandy, (dirt road,)	168,783 83	
	$ 2,694,239 98	$ 1,777,042 11

Ordered, That the Public Printer print 150 copies of said response for the use of the General Assembly.

The Speaker laid before the Senate the response of the Auditor of Public Accounts to a resolution of the Senate of the 13th instant, which is as follows, viz:

AUDITOR'S OFFICE, FRANKFORT, KY.,
January 21, 1851.

Hon. B. EDWARDS GREY,
Speaker of the Senate.

SIR: In compliance with a resolution of the Senate, of the 13th inst., I herewith report: "The several Turnpike Road Companies who have failed to make re-
'ports to this office during the last year; also, the date of the last reports of the
'several Turnpike Road Companies; also, the names of the Presidents and Treas-
'urers of the Turnpike Companies in which the State has stock."

The subscriptions, by the State, of stock in the several Turnpike Road Companies, were made under the direction of the Board of Internal Improvement, and from that office a more satisfactory response can be made in relation to "the proportion of stock held by the State in each of said Roads.

Which is respectfully submitted.

J. BARBOUR,
Auditor of Public Accounts.

No. I.

A list of the several Turnpike Road Companies who have failed to make reports to the Auditor's Office, for the year 1850.

No. 6. Covington and Williamstown.
No. 11. Maysville and Bracken.
No. 21. Glasgow and Scottville.
No. 22. Louisville to mouth of Salt river.
No. 23. Mouth of Salt river to Elizabethtown.
No. 24. Elizabethtown to Bell's Tavern.
No. 26. Bowlinggreen to Tennessee line.
No. 27. Logan, Todd and Christian.

No. 2.

Tabular Statement showing "the date of the last reports of the several Turnpike Road Companies; and also, the names of the Presidents and Treasurers of the Turnpike Companies in which the State has stock."

	Style of Company.	Date of last report	Date of filing last report in Auditor's office.	President.	Treasurer.
1	Maysville, Washington, Paris and Lexington, -	June 1, 1850,	July 8, 1850,	John Armstrong,	William Huston.
2	Richmond and Lexington, - - - - -	December 19, 1850,	December 19, 1850,	J. R. Dunlap,	J. R. Dunlap.
3	Winchester and Lexington, - - - -	June 30, 1850,	October 20, 1850,	R. Chiles,	H. Savary.
4	Lexington and Georgetown, - - - -	December 2, 1850,	January 7, 1851,	Not known,	Elisha N. Warfield.
5	Georgetown and Williamstown, - - - -	November 30, 1850,	December 13, 1850,	John Emison,	H. Wood.
6	Covington and Williamstown, - - - -	November 30, 1849,	December 26, 1849,	B. F. Bedinger,	T. Timberlake.
7	Frankfort, Lexington and Versailles, - - -	November 30, 1850,	December 10, 1850,	David Thornton,	R. Railey.
8	Frankfort to Georgetown, (Franklin portion,) -	December 31, 1850,	January 14, 1851,	Frank Chinn,	Jacob Swigert.
9	Frankfort to Georgetown, (Scott portion,) - -	December 1, 1850,	December 5, 1850,	R. M. Ewing,	J. T. Craig.
10	Maysville and Mountsterling, - - - -	November 30, 1850,	December 10, 1850,	D. K. Stockton,	Elisha S. Fitch.
11	Maysville and Bracken, - - - - -	No report,	No report,	J. B. McIlvaine,	Mathew Markland.
12	Danville, Lancaster, Nicholasville, & Lexington,	December 1, 1850,	December 11, 1850,	Thomas E. West,	John Yeiser.
13	Mercer co., from Frankfort to Crab Orchard, -	December 1, 1850,	December 10, 1850,	Samuel Daviess,	J. L. Smedley.
14	Lincoln co., from Frankfort to Crab Orchard, -	December 17, 1850,	January 8, 1851,	H. J. McRoberts,	H. J. McRoberts.
15	Anderson co., from Frankfort to Crab Orchard, -	December 1, 1850,	December 9, 1850,	A. Herndon,	A. Herndon.

No. 2—Continued.

	Style of Company.	Date of last report.	Date of filing last report in Auditor's office.	President.	Treasurer.
16	Franklin co., from Frankfort to Crab Orchard, -	November 30, 1850,	January 8, 1851,	A. Wilson,	A. Wilson.
17	Frankfort and Hardinsville, - - - - -	January 1, 1851,	January 4, 1851,	P. Swigert,	P. Swigert.
18	Shelby county, - - - - - - - - -	June 1, 1850,	Div'd paid Dec. 4, '50,	George W. Johnston,	Wm. Standiford.
19	Louisville and Bardstown, - - - - -	December 1, 1850,	December 20, 1850,	D. S. Howell,	E. B. Smith.
20	Bardstown and Green River, - - - -	December 1, 1850,	December 20, 1850,	D. S. Howell,	E. B. Smith.
21	Glasgow and Scottville, - - - - -	No report,	No report,	Richard Garnett,	R. T. Pulliam.
22	Louisville to mouth of Salt River, - - -	December 31, 1849,	January 31, 1850,	S. B. Thomas,	Lewis Barret.
23	Mouth of Salt River to Elizabethtown, - -	December 31, 1849,	January 31, 1850,	S. B. Thomas,	Lewis Barret.
24	Elizabethtown to Bell's Tavern, - - -	December 31, 1849,	January 5, 1850,	Thomas B. Munford,	John W. Barret.
25	Bell's Tavern to Bowlinggreen, - - -	December 1, 1850,	December 13, 1850,	S. Murrell,	Jona. Hobson.
26	Bowlinggreen to Tennessee line, - - -	March 5, 1849,	March 5, 1849,	T. J. Berry,	John Finn.
27	Logan, Todd and Christian, - - - - -	No report,	No report,	John P. Campbell,	
28	Muldrow's Hill, - - - - - - - -	December 1, 1850,	December 26, 1850,		W. W. Hawkins, agent.
29	Springfield and Bardstown, - - - - -	December 1, 1850,	December 10, 1850,	George Clemens,	J. H. Cunningham.
30	Anderson county and Versailles, - - -	December 1, 1850,	December 10, 1850,	L. A. Berry,	L. A. Berry.
31	Lexington, Harrodsburg and Peryville, - -	November 30, 1850,	December 21, 1850,	William Thompson,	J. A. Thompson.

Ordered, That the Public Printer print 150 copies of said response for the use of the General Assembly.

Mr. Irwin moved the following resolution, viz:

Resolved, That the committee on the Sinking Fund be instructed to inquire into the expediency of providing, by law, for the fiscal year to end on the 1st of January of each year, and requiring the Auditor and Commissioners of the Sinking Fund to make reports on that day; also, into the expediency of vesting all the powers and duties of the Commissioners of the Sinking Fund in the Auditor.

Which was adopted.

Mr. Bullock, from the committee on County Courts, reported a bill in relation to Magistrates' and Constables' Districts in Henry and Laurel counties, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, JANUARY 22, 1851.

1. Mr. Marshall presented the petition of sundry citizens of the town of Campbellsville, praying an amendment to the charter of said town.

2. Mr. Marshall also presented the remonstrance of sundry citizens of the town of Campbellsville against an amendment of the charter of said town.

3. Mr. Russell presented the petition of sundry citizens of the counties of Christian, Hopkins, and Muhlenburg, praying the passage of a law allowing the erection of a mill dam at Clark's Ferry, on Pond river.

Which petitions and remonstrance were received, the reading dispensed with, and referred—the 1st and 2d to the committee on Finance, and the 3d to the committee on Internal Improvement.

Mr. Chiles, from the committee on Finance, to whom were referred sundry petitions, praying the passage of a law appropriating $5,000, for five years, to aid in colonizing the free negroes of this State, in Liberia, asked

to be discharged from the further consideration thereof, which was granted.

Ordered, That said petitions be referred to a select committee, consisting of Messrs. Bullock, Wallace, Magoffin, Graves, Pope and Irwin.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act to amend an act, entitled, an act to amend and re-enact an act, entitled, an act to incorporate the Henderson and Nashville Railroad Company, approved March 4th, 1850.

2. An act to create the office of Police Judge in the town of Clinton.

3. An act for the benefit of of William M. Fox, Clerk of the Pulaski Circuit and County Courts.

4. An act to authorize the Spencer County Court to sell the Poor-house tract of land, in said county.

5. An act to incorporate Bedford Lodge, No. 158, of Free and Accepted Masons.

6. An act to amend an act incorporating the Lexington and Frankfort Turnpike Road.

7. An act to change the limits of the town of Lawrenceburg.

8. An act for the benefit of the Sheriff of Anderson county.

9. An act to incorporate Bullitt Lodge, No 155, of Free and Accepted Masons.

10. An act to authorize the running and re-marking the boundary lines of Butler county.

11. An act to amend an act in relation to the Seminary lands of Lewis county.

12. An act for the benefit of the citizens of the town of Burksville.

13. An act to amend the charter of the Eagle Creek, New Liberty, Owenton and Scott county line Turnpike or Plank Road Company.

14. An act to enlarge the jurisdiction of the Police Judge of the town of Hartford.

15. An act giving the Meade County Court jurisdiction of a part of the Salt River and Bowlinggreen Road.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 6th, 13th and 15th to the committee on Internal Improvement; the 2d, 4th, 5th, 9th, 12th and 14th to the committee on the Judiciary; the 3d and 8th to the committee on Finance: the 7th and 10th to the committee on Propositions and Grievances, and the 11th to the committee on Education.

A bill to amend the charter of the town of Hardinsburg, was taken up.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the second reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, came up in the orders of the day, viz:

An act for the benefit of the Estill Seminary.

An act to regulate the sale of the estate of persons of unsound mind.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Leathers, from the committee on Internal Improvement, reported a bill to amend the charter of the Bank Lick Turnpike Road Company, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Ritter—1. A bill to authorize the Clerk of the Allen Circuit Court to transmit certain papers, now in his possession, to the Clerk of the Barren Circuit Court.

On motion of same—2. A bill for the benefit of the widows and orphans of Odd Fellows.

On motion of Mr. Bruce—3. A bill for the benefit of certain School Districts in Whitley and Knox counties.

On motion of same—4. A bill for the benefit of Lucretia Stephens, of Whitley county.

On motion of Mr. Leathers—5. A bill to allow the Trustees of Common Schools in Covington further time to make their report to the Superintendent of Public Instruction.

On motion of Mr. Marshall—6. A bill to amend the charter of the Muldrow's Hill and Campbellsville Turnpike Road Company.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d, and 4th; the committee on Education the 3d and 5th; and Messrs. Marshall, Rouse, and Chiles were appointed a committee to prepare and bring in the 6th.

A bill from the House of Representatives, entitled, an act to extend the provisions of an act, entitled, an act regulating the price of taking

up boats on the Ohio river, approved January 29, 1829, to Big Sandy, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate resolved itself into a committee of the whole, Mr. Bruce in the Chair, on the bill to divide the State into four Districts for the election of Judges of the Court of Appeals, and the amendment proposed thereto; and after some time spent therein, the Speaker resumed the Chair, when Mr. Bruce reported that the committee had, according to order, had under consideration the bill and amendment aforesaid, and had instructed him to report the same without amendment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first judicial district for the Court of Appeals shall be composed of the counties of Mason, Nicholas, Bourbon, Clarke, Madison, Rockcastle, Lewis, Fleming, Bath, Montgomery, Estill, Laurel, Whitley, Harlan, Knox, Clay, Owsley, Letcher, Perry, Breathitt, Morgan, Lawrence, Carter, Greenup, Johnson, Floyd, Pike, and Pulaski.

That the second district shall be composed of the counties of Bracken, Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, Trimble, Henry, Owen, Grant, Harrison, Scott, Fayette, Jessamine, Garrard, Boyle, Mercer, Anderson, Franklin, Woodford, Shelby, and Oldham.

That the third district shall be composed of the counties of Jefferson, Bullitt, Nelson, Spencer, Hardin, Meade, Larue, Hart, Barren, Monroe, Cumberland, Clinton, Wayne, Russell, Casey, Lincoln, Washington, Marion, Taylor, Green, and Adair.

That the fourth district shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, Union, Hopkins, Caldwell, Trigg, Todd, Logan, Simpson, Warren, Allen, Christian, Henderson, Muhlenburg, Daviess, Ohio, Butler, Edmonson, Hancock, Grayson, and Breckinridge.

The amendment, as a substitute for said bill, is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first judicial district for the Court of Appeals shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Marshall, Calloway, Livingston, Crittenden, Union, Henderson, Caldwell, Trigg, Daviess, Hancock, Christian, Todd, Hopkins, Muhlenburg, Ohio, Butler, Edmonson, Warren, Logan, Simpson, Allen, and Grayson.

The second district shall be composed of the counties of Jefferson, Kenton, Boone, Gallatin, Grant, Owen, Franklin, Carroll, Trimble, Henry, Oldham, Shelby, Anderson, Spencer, Nelson, Bullitt, Hardin, Larue, Meade, and Breckinridge.

The third district shall be composed of the counties of Barren, Monroe, Hart, Green, Marion, Washington, Adair, Cumberland, Clinton, Wayne, Russell, Casey, Boyle, Mercer, Garrard, Lincoln, Pulaski, Whitley, Knox, Harlan, Letcher, Perry, Clay, Laurel, Rockcastle, Breathitt, Madison, Estill, Owsley, and Taylor.

The fourth district shall be composed of the counties of Fayette, Jessamine, Woodford, Scott, Bourbon, Clarke, Montgomery, Bath, Nicholas, Harrison,

Pendleton, Bracken, Campbell, Mason, Fleming, Lewis, Greenup, Carter, Lawrence, Johnson, Pike, Morgan, and Floyd.

Mr. Graves moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall the amendment, as a substitute for said bill, be adopted?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Rouse, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John Eaker,	Robert A. Patterson,
Hall Anderson,	Alfred Johnston,	Berry Smith,
John P. Bruce,	John C. Kouns,	Thomas J. Smith,
Joshua Buster,	William N. Marshall,	Caleb B. Wallace
Sam. Daviess Delany,	Fitch Munger,	Thomas I. Young—15.

Those who voted in the negative, were

Camden M. Ballard,	Elihu Hogan,	Camden Riley,
James P. Barbour,	Overton P. Hogan,	John W. Ritter,
Wm. C. Bullock,	James W. Irwin,	Thomas Rouse,
Walter Chiles,	John W. Leathers,	Nathaniel P. Saunders,
Richard C. Graves,	Thomas P. Linthicum,	James M. Shepard,
James W. Hays,	Beriah Magoffin,	William Sterett—18.

The question was then taken—"shall said bill be engrossed and read a third time?" and it was decided in the affirmative.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Graves, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Elihu Hogan,	Camden Riley,
James P. Barbour,	Overton P. Hogan,	John W. Ritter,
William C. Bullock,	James W. Irwin,	Thomas Rouse,
Walter Chiles,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	James M. Shepard,
Richard C. Graves,	Beriah Magoffin,	Thomas J. Smith,
James W. Hays,	William N. Marshall,	William Sterret—21.

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	John Eaker,	Robert A. Patterson,
Hall Anderson,	Alfred Johnston,	Berry Smith,
John P. Bruce,	John C. Kouns,	Caleb B. Wallace,
Joshua Buster,	Fitch Munger,	Thomas I. Young—12.

Resolved, That the title of said bill be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Smith Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
January 22, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent,

Chasteen T. Dunavan, to be Sheriff of Warren county, in the place of B. C. Smith, who refuses to qualify.

Edmund M. Leavell, to be Brigadier General of the 9th Brigade, in place of Thomas B. Dodds, resigned.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Irwin moved the following resolution, viz:

Resolved, That the committee on the Court of Appeals be, and they are hereby instructed to bring in a bill providing for the branching of the Court of Appeals.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	John W. Ritter,
Camden M. Ballard,	Alfred Johnston,	Robert S. Russell,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	Berry Smith,
John Eaker,	Fitch Munger,	Thomas J. Smith,
Richard C. Graves,	Robert A. Patterson,	William Sterett,
James W. Hays,	Camden Riley,	Thomas I. Young—21.

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	William N. Marshall,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
William C. Bullock,	John W. Leathers,	James M. Shepard,
Joshua Buster,	Thomas P. Linthicum,	Caleb B. Wallace—13.
Sam. Daviess Delany,		

The Senate resolved itself into a committee of the whole, Mr. Hays in the Chair, on the preamble and resolution in relation to the navigation of the Ohio river; and after some time spent therein, the Speaker resumed the Chair, when Mr. Hays reported that the committee had, according to order, had under consideration the preamble and resolution aforesaid, and had instructed him to report the same to the Senate, with amendments, which he handed in at the Clerk's table.

The amendments reported by the committee of the whole were concurred in; and said preamble and resolution, as amended, were then adopted.

A bill making it the duty of Justices of the Peace to list taxable property, came up in the orders of the day.

Said bill was amended to read as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the justices of the peace in the several counties in this commonwealth, to assess and list the taxable property in their respective counties, in the manner following, viz:

§ 2. That the justices of the peace shall advertise, at three public places in their respective districts, at least ten days before the time designated by them for the listing of the taxables in the districts, specifying the time and place at which he will attend to list the taxable property.

§ 3. That the time for listing taxable property shall be in the month of February, upon such days as the justices of the peace may elect in said month, which shall not be more than two days for each justice of the peace allowed to each district.

§ 4. That it shall be the duty of the second auditor to furnish the clerks of the county courts with a sufficient number of blank forms to supply each justice in listing the taxable property in his said district; and it shall be the duty of said clerks to distribute the same to the several justices of his county, on or before the days set for the listing of the taxables.

§ 5. That it shall be and is hereby made the duty of every person who is bound to pay a poll tax, or to list land or other property, either in his own right, as executor, administrator, guardian, or agent, to come before either of the justices of the peace in his district, at the time and place oppointed by said justices, and give in a just and true list of his or her taxable property, according to the law now in force on the subject of listing taxable property in this state.

§ 6. That if any person shall fail or refuse to attend and give in a just and true list of their taxable property, according to the requirements of this act, he or she shall pay a double tax, to be collected and accounted for by the sheriff, as other taxes now are: *Provided*, that any person being unavoidably prevented from listing their property before a justice of the peace, as herein directed, they shall have the privilege to list their property with the county court clerk, at any time before the clerk gives the books into the hands of the sheriff, and be exempt from a double tax.

§ 7. That it shall be the duty of the justices of the peace in each district in the several counties, to make out a fair copy of the list of taxable property by them taken, in alphabetical order; also, the number of children between the ages of five and sixteen years, in their respective districts, and return the same to the clerk of the county court, at the next succeeding court which may happen after the time prescribed for taking the list of taxable property.

§ 8. The justices of the peace shall make out their own list of taxable property to the clerk of the county court, and be subject to a double tax for failing or refusing so to do, which list they shall be sworn to.

§ 9. If, from any cause, one of the justices in a district shall be disabled or prevented from attending to the listing of taxable property and other duties required by this act, the other justice in the district is hereby anthorized to continue the whole number of days allowed to them both, and to perform all the duties required of the two justices of the district.

§ 10. That the justices of the peace shall be and they are hereby allowed one dollar each for advertising, and one dollar per day for listing taxable property, which shall be paid out of any money in the treasury not otherwise appropriated.

§ 11. That this act shall not take effect until the year 1852.

§ 12. That all laws now in force, coming within the purview of this act, shall be and are hereby repealed.

Mr. Bruce moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Johnston, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Thomas Rouse,
Camden M. Ballard,	James W. Irwin,	James M. Shepard,
John P. Bruce,	Thomas P. Linthicum,	Berry Smith,
William C. Bullock,	Beriah Magoffin,	Thomas J. Smith,
Joshua Buster,	William N. Marshall,	Thomas I. Young—17.
Elihu Hogan,	Camden Riley,	

Those who voted in the negative, were—

James P. Barbour,	Alfred Johnston,	John W. Ritter,
Walter Chiles,	John C. Kouns,	Robert S. Russell,
Sam. Daviess Delany,	John W. Leathers,	Nathaniel P. Saunders,
John Eaker,	Fitch Munger,	William Sterett,
Richard C. Graves,	Robert A. Patterson,	Caleb B. Wallace—16.
James W. Hays,		

And then the Senate adjourned.

THURSDAY, JANUARY 23, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled,

An act in relation to Magistrates and Constables Districts in Henry and Laurel counties.

That they had passed bills of the following titles, viz:

An act to establish twelve Judicial Circuit Districts.

An act to increase the jurisdiction of Justices of the Peace.

The Speaker laid before the Senate the report of the Kentucky and Louisville Mutual Insurance Company, which is as follows, viz:

OFFICE OF THE KY. AND LOUISVILLE MUTUAL INSURANCE CO.
Louisville, January 21, 1851.

To the Speaker of the Senate of Kentucky:

SIR: In obedience to the requisition of the 22d section of the charter of this Company, and the order of the Board, I herewith transmit to you the foregoing report of the condition, progress, and affairs of this Com-

pany, from the commencement of their business up to and including the 30th November last, and request that you will lay the same before the body over which you preside.

I have the honor to be, very respectfully, yours, &c.,

WILLIS STEWART, *Pres't.*

THE KENTUCKY AND LOUISVILLE MUTUAL INSURANCE COMPANY.

Report of the condition, progress, and affairs of said Company, up to the 30th November, 1850, inclusive, viz:

Amount insured, 1,375 policies,	$3,455,047 88	
Deduct amount of policies expired,	1,351,074 66	
		$ 2,103,973 22
Amount insured on merchandise, 35 policies,	$64,360	
Deduct amount of 24 policies expired,	47,600	
		16,760 00
		$ 2,120,733 22
Amount of premium notes,	$227,779 06¾	
Deduct amount of premium notes discharged,	74,424 28½	
	$153,354 78¼	
Received for premium and fees for policies on real estate,	$23,433 46½	
Received for premium and fees for policies on merchandise,	1,687 12½	
Received for extra premium for increased risks,	537 79	
Received for assessments on premium notes,	13,841 95	
Received from T. H. Becker, Agent,	1 14	
		$ 39,501 47
Paid for expenses,	$ 18,609 22	
Paid for losses,	15,781 40	
Paid for commissions to agents,	615 62½	
Due from agents,	357 22½	
Cash, balance,	4,138 00	
		$ 39,501 47

BALANCES.

DEBITS.

To bills receivable,	$ 117,454 36¾
To cash,	4,138 00
To expense account,	18,609 22
To profit and loss account,	15,781 40
To commission account,	615 62½
To agents account,	357 22½
	$156,955 83¾

CREDITS.

By extra premium account,	$537 79
By premium on merchandise,	1,652 12½
By premium account,	153,354 78¼
By policy account,	1,375 00
By policy on merchandise,	35 00
By T. H. Becker,	1 14
	$156,955 83¾

At a meeting of the President and Directors of the Kentucky and Louisville Mutual Insurance Company, at their office in the city of Louisville, on the 5th December, 1850, the President of the Company submitted to the Board a statement of the condition, progress, and

affairs of said Company, which being read, examined, and approved by the Board, was adopted; and the President is directed to furnish a copy of the same to the General Assembly of the State, agreeably to the requisition of the 22d section of the charter of this Company.

Mr. Hays, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the citizens of the town of Burksville, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. T. J. Smith, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to revive the corporate powers, and to authorize the re-building of the Meeting House of Mount Tabor Church, in Estill county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Leathers, from the committee on Internal Improvement—A bill to amend the charter of the Lexington and Covington Turnpike Road Company.

By Mr. Irwin, from the same committee—A bill authorizing the construction of a Mill Dam across Pond river.

By Mr. Wallace, from the committee on Education—A bill for the benefit of certain School Districts in this State.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. O. P. Hogan, from a select committee, reported a bill to amend the exemption laws, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Leave was given to bring in the following bills, viz:

On motion of Mr. Leathers—1. A bill to amend the charter of the Commercial College of Covington.

On motion of Mr. Magoffin—2. A bill to incorporate Warren Lodge, No. 53, of Free and Accepted Masons.

The committee on Education was directed to prepare and bring in the 1st; and the committee on the Judiciary the 2d.

A bill from the House of Representatives, entitled, an act authorizing the publication of judicial orders and sales in the public newspapers, was taken up and amended.

On motion of Mr. Leathers,

Ordered, That said bill be laid on the table.

The Senate resolved itself into a committee of the whole, Mr. Leathers in the Chair, on the bill appropriating money to complete the improvement of the rivers and turnpike roads, and subscribing stock in railroads, and to submit the same to the people; and after some time spent therein, the Speaker resumed the Chair, when Mr. Leathers reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the same to the Senate, with sundry amendments, which he handed in at the Clerk's table.

Ordered, That said bill and amendments be referred to a select committee, consisting of Messrs. Pope, Eaker, Russell, Ritter, Hays, Marshall, Bruce, Shepard, Young, and Munger.

Mr. Irwin, at fifteen minutes past 1 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Linthicum and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Robert S. Russell,
Camden M. Ballard,	William N. Marshall,	Nathaniel P. Saunders,
James P. Barbour,	Robert A. Patterson,	James M. Shepard,
William C. Bullock,	Hamilton Pope,	Berry Smith,
Sam. Daviess Delany,	John W. Ritter,	William Sterett—16.
Overton P. Hogan,		

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Fitch Munger,
John P. Bruce,	Alfred Johnston,	Camden Riley,
Joshua Buster,	John C. Kouns,	Thomas Rouse,
Walter Chiles,	John W. Leathers,	Thomas J. Smith,

John Eaker, Thomas P. Linthicum, Thomas I. Young—17.
James W. Hays, Daniel Morgan,

On motion of Mr. Leathers, the Senate then took a recess until half past 7 o'clock, P. M.

The Senate re-assembled at half past 7 o'clock, P. M., and, according to order, took up for consideration the bill to organize County Courts in the several counties.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the office of the associate judges of the county court, created by the twenty-ninth section of the fourth article of the constitution, be, and the same is hereby abolished.

§ 2. That a county court, composed of the presiding judge elected by the people—except when the justices of the peace are associated with him, as hereinafter provided—shall be held in the several counties of this commonwealth, on the days and at the places of holding existing county courts as now directed by law; which court shall have and possess the same powers and jurisdiction conferred by existing laws upon the county courts in this commonweallth, and shall, in all things, be governed by the laws now in force regulating the jurisdiction and proceedings in the existing county courts, except so far as the same may be changed or altered by this act.

§ 3. The county court, at the term thereof in each year, shall audit and settle the claims against the county, make provision for the poor, and all necessary appropriations for the improvement of roads, building and repairing of bridges and public buildings; and at the same time, said court shall lay and direct the levy to be collected, and shall do all things in relation to the financial affairs of the county which the existing county court may now lawfully do; and it shall be the duty of the several justices of the peace in the county to attend said court and sit with the presiding judge, and compose a part of said court, for the purposes aforesaid; and the said presiding judge and a majority of the justices of the peace of the county—or a majority of the justices, without the presiding judge—shall be sufficient to constitute a court for the purposes aforesaid; *and the justices who shall attend and constitute said court, shall be allowed* $ *per day, each, to be paid out of the county levy;* and, if the presiding judge shall deem it proper to make an appropriation out of the county levy at any other than the term aforesaid, he shall have power to order a summons to be issued against the justices of the peace in his county, requiring them to attend at such term of said court as he may designate; and, upon a majority of the justices attending, they, with said judge—or, in his absence, a majority of the justices shall have power to make such appropriations as are proper and necessary; and the court, at such term, may adjourn from day to day, until a majority of the justices appear, and the business for which they have been convened is completed.

§ 4. Should a majority of the justices fail to attend said court, it shall be the duty of the presiding judge and the justices present, or of either the presiding judge or justices who may be present, to order a summons against the justices failing to attend, and to compel their attendance, by attachment or otherwise; and said court may adjourn from day to day, until a majority of the justices in the county shall be in attendance, and the necessary business of the court shall have been transacted.

§ 5. The records of the existing county courts shall be held and regarded as the records of the courts hereby organized in the same counties, respectively; and all the records of the clerk's office, and all the official papers and records pertaining

thereto, in the several counties, shall be kept, held, and regarded as the official papers and records of the clerk's office of the county courts hereby organized in the same counties; and said records and papers, or copies thereof, properly certified by the clerks of the several courts hereby organized—to whom the custody of such papers and records is given—shall be record evidence in all courts in this commonwealth, to the full extent that such papers and records now are, when properly certified by the proper officer; and, until otherwise directed by law, such papers and records, as well as the records and papers of the court hereby organized, and the official papers and records of the clerk of the court hereby organized, shall be kept in the same offices and in the same manner that they are now kept by the clerks of the existing county courts.

§ 6. The clerk of the court hereby organized, and the sheriffs of the several counties, shall discharge the same official duties in their respective counties which the same officers now do under existing laws; and they shall be officers of the county court, bear the same relation thereto, perform the same duties therein, as like officers do in and to the existing county courts.

§ 7. The presiding judge of the county court shall make all settlements with executors, administrators, and guardians, within his county; and, in making such settlements, he shall be governed by the laws now in force, regulating the duties of the standing commissioners appointed by the existing county courts—so far as the same are applicable—and for which he shall receive $ per day, to be paid as the standing commissioners are now paid for similar services.

§ 8. The presiding judge of the county court shall hold quarterly terms in each year, at the seat of justice of his county, for the trial of all causes brought before him, at which he shall preside; *he shall enter in a well-bound book, to be kept for that purpose, all orders, judgments, and decrees, by him given or rendered, all executions by him issued, with the time of issuing the same, the amount of such execution, the return day thereof, and the day on which the same shall have been returned; and all executions issued by the said presiding judge shall be directed and delivered to the sheriff or constable of his county, as now required by law; and the officer receiving the same shall be governed, in all things, by existing laws in relation to similar executions issued by circuit court clerks or justices of the peace, and shall be liable to the same pains and penalties: Provided, that in all cases where the sheriff is an interested party, such execution may be directed to the coroner, or any constable of his county, by name.*

§ 9. The presiding judge of the county court shall have concurrent jurisdiction, both at law and in equity, with justices of the peace, in all cases where jurisdiction is conferred by existing laws on justices of the peace, and with the circuit courts in all sums over fifty and under one hundred dollars; and in all actions of trespass and trespass on the case, where the damages complained of do not exceed one hundred dollars—except where the title or boundaries to land may be in controversy—under the same rules and regulations as now prescribed by law, conferring jurisdiction on justices of the peace and circuit courts in this commonwealth; and said presiding judge shall be allowed the same fees as are allowed by law to justices of the peace and clerks of circuit courts, for similar services.

§ 10. That the presiding judge of the county court shall be a conservator of the peace within his county, and shall have all the power and jurisdiction is cases of riots, routs, and unlawful assemblies, breaches of the peace, and of all misdemeanors, now conferred by law on justices of the peace, subject to the same rules and regulations; and he shall have power, by his warrant, directed to the sheriff or any constable of his county, to cause persons charged with a violation of the penal laws of this commonwealth, to be apprehended and brought before him, and to take the recognizance of such person so charged, to appear and answer the same, or to commit such person to prison, there to remain until discharged by due course of law; and in all such proceedings he shall be governed by existing laws regulating the powers and proceedings of justices in similar cases.

§ 11. The presiding judge of the county court shall have concurrent jurisdiction with the circuit courts, in granting writs of injunction, *ne exeat*, *habeas corpus*, *de idioto*, and *de lunatico inquirendo*, and in hearing and determining the same.

§ 12. Every person who shall be guilty of false swearing before the presiding judge, shall be deemed guilty of felony, and punished accordingly.

§ 13. That either party to a suit before a justice of the peace shall have the same right of appeal to the county court as is now given by law, and under the same rules and regulations; and parties to suits commenced before the presiding judge shall have the right of appeal from his decision to the circuit court of the county, under the same rules and regulations as are now prescribed by law in cases of appeals from justices of the peace to the circuit courts, in cases over five pounds.

§ 14. That the presiding judge of the county court, when applied to and his fees paid, shall give copies of all orders, judgments, or decrees made and rendered by him, and of all papers filed in his office, and complete records of cases tried and determined by him, under his hand and seal; and all such copies of records, &c., with the certificate of the clerk of the county court, and the seal of his office annexed, that said judge is the presiding judge of the county court of his county, shall be received as evidence in any court in this commonwealth.

§ 15. That in all suits brought before said presiding judge—where the amount in controversy shall be over fifty dollars—a tax of fifty cents shall be paid by the plaintiff, and taxed in the bill of costs against the defendant, in all cases where judgment is rendered against him; and the presiding judge shall, in the month of in each year, make out and certify to the auditor a list of such taxes received by him, and shall pay the same to the treasurer, under the same rules and regulations as are now prescribed by law, directing clerks of the circuit courts to certify and pay taxes on law process.

§ 16. Whenever an administrator or executor shall, by a petition in writing, filed and sworn to by him in the county court, state and represent that the personal estate is insufficient to pay the debts or legacies, or both, and shall exhibit an inventory of the assets, as near as may be, with his petition as part thereof, and shall set forth the debts due from said estate, it shall be the duty of the county court judge to examine into the same, and if there be real estate or legacies of personal property or slaves in the will, or which descended to heirs, he shall cause summonses to be issued against the widow and heirs, or devisees, returnable to next court if in the state, or if non-residents he shall enter on the record warning orders against them, returnable to next court, and in the latter case, appoint the county attorney, or some other attorney, to represent them; and when the parties are before the court, by service or warning order and traverse, he shall hear the case; and, if on hearing he shall be of opinion that real estate, legacies, or slaves, or any or all, will be necessary to pay debts, he will enter an order on the records requiring the same to be sold, and prescribe the terms of sale, and appoint commissioner, executor, administrator, or sheriff, to make the same, and when purchase money is paid, cause a deed to be made, conveying all the interest of the heirs or devisees: *Provided*, that no power is given hereby to sell the widow's dower, to such property as the laws reserve from execution; but, if the widow will file her consent in writing to a sale of her dower, and expressing her willingness to receive its value in money, then the decree of sale shall include the dower, and she shall receive its value in money; and, from time to time, sales may be made of enough to pay debts, when the parties are once before the court, if other debts appear not represented by the petition, enough to pay such debts and the costs of administration; and the court shall allow the attorney appointed, and all others, reasonable fees for their services; and where the estate is insufficient to pay costs of administration and debts, then the distribution shall be made *pro rata*, saving to the parties entitled by laws now in force the liens allowed them; and, if any party in interest

shall deem the order of sale improper, he may appeal to the circuit judge, who shall take all the papers from the county court and decide the question, and certify it to the county court; and if he decides a sale is not necessary, then no sale shall be made—or, if he affirms the order of the county court, the sale shall proceed; the administrator or executor shall be considered as representing the creditors, or they, or any of them, may enter an appearance as plaintiffs with executor or administrator, and shall have a right to be heard; and where liens or preferences shall be claimed, issues may be made between parties contending, and heard and decided by the county court; and from these issues and decisions the parties may appeal to the circuit court, as in other cases; but these appeals shall not remove any more of the cause than is necessary to an understanding of the contest; and when decided by the circuit judge, he shall certify back to the county court his judgment, which shall be recorded, and the papers taken up shall be returned, or the county judge may cause the parties to agree the points of dispute for the decision of the circuit court, and certify the same, without removing any of the papers; and during the decisions of the questions between disputants, the administration of the estate shall progress, if it can do so, reserving enough to make good what the contestants may be entitled to. After the petition is filed, no suit shall be brought against the administrator or executor, but all claimants against the estate shall file their claims in the county court, with the clerk thereof; and proof thereof may be made in said court in term time, or the affidavits required by law may be made before any justice of the peace or the presiding judge of the county court; and where claims are disputed, the same shall be determined on issues formed by the parties, before the county court, as in other cases—or, if over the amount the county court judge has power by law to try, they shall stand for hearing in the next circuit court—that court requiring the parties to frame issues to try the claims set up, or defenses thereto; but the administration shall progress, if it can be done, reserving enough to pay said claim or claims, *pro rata*.

§ 17. The presiding judges of the county court shall enter upon the duties of their office on the first Monday in June, 1851.

Mr Irwin moved to strike out the first section of said bill.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Young and Shepard, were as follows, viz:

Those who voted in the affirmative, were

James W. Hays,	Thomas P. Linthicum,	Thomas Rouse,
Elihu Hogan,	Daniel Morgan,	Nathaniel P. Saunders,
James W. Irwin,	Fitch Munger,	William Sterett,
John C. Kouns,	Hamilton Pope,	Thomas I. Young—12

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Walter Chiles,	Beriah Magoffin,
Hall Anderson,	Sam. Daviess Delany,	Robert A. Patterson,
Camden M. Ballard,	John Eaker,	Camden Riley,
James P. Barbour,	Richard C. Graves,	John W. Ritter,
John P. Bruce,	Overton P. Hogan,	Robert S. Russell,
William C. Bullock,	Alfred Johnston,	James M. Shepard,
Joshua Buster,	John W. Leathers,	Caleb B. Wallace—21

Mr. Bruce moved to strike out all that part of the third section printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Robert A. Patterson,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
John P. Bruce,	Daniel Morgan,	Thomas I. Young—13.
Joshua Buster,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Camden Riley,
William C. Bullock,	Overton P. Hogan,	John W. Ritter,
Walter Chiles,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	James M. Shepard,
John Eaker,	Beriah Magoffin,	William Sterett,
Richard C. Graves,	Fitch Munger,	Caleb B. Wallace—20.
James W. Hays,	Hamilton Pope,	

Mr. Graves moved to fill the second blank, in the third section, with the sum of "one dollar and fifty cents."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and Young, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	John W. Ritter,
Walter Chiles,	John W. Leathers,	Robert S. Russell,
Sam. Daviess Delany,	Hamilton Pope,	James M. Shepard,
Richard C. Graves,	Camden Riley,	William Sterret—12.

Those who voted in the negative, were—

Hall Anderson,	James W. Hays,	Daniel Morgan,
Camden M. Ballard,	Overton P. Hogan,	Fitch Munger,
James P. Barbour,	James W. Irwin,	Robert A. Patterson,
John P. Bruce,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	Thomas P. Linthicum,	Caleb B. Wallace,
John Eaker,	Beriah Magoffin,	Thomas I. Young—21.

Mr. O. P. Hogan moved to fill said blank with the sum of "one dollar."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leathers and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Hamilton Pope,
Hall Anderson,	Elihu Hogan,	Camden Riley,

Wm. C. Bullock,	Overton P. Hogan,	John W. Ritter,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
Walter Chiles,	Thomas P. Linthicum,	James M. Shepard,
Sam. Daviess Delany,	Beriah Magoffin,	William Sterett,
John Eaker,	Daniel Morgan,	Caleb B. Wallace—23.
Richard C. Graves,	Fitch Munger,	

Those who voted in the negative, were

Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
John P. Bruce,	Robert A. Patterson,	Thomas I. Young—10.
James W. Irwin,		

Mr. Chiles, at half past 9 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. E. Hogan and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett,
John Eaker,	John W. Ritter,	Caleb B. Wallace—12.

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	Thomas P. Linthicum,
Camden M. Ballard,	Elihu Hogan,	Fitch Munger,
James P. Barbour,	Overton P. Hogan,	Robert A. Patterson,
John P. Bruce,	James W. Irwin,	Camden Riley,
William C. Bullock,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John C. Kouns,	Nathaniel P. Saunders,
Richard C. Graves,	John W. Leathers,	Thomas I. Young—21.

Mr. Munger moved an amendment to said bill.

Mr. Ritter, at twenty minutes before 10 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Bruce and Saunders, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	John W. Ritter,
Hall Anderson,	John W. Leathers,	Thomas Rouse,
William C. Bullock,	Beriah Magoffin,	James M. Shepard,
Joshua Buster,	Fitch Munger,	William Sterett,
Sam. Daviess Delany,	Hamilton Pope,	Caleb B. Wallace,
John Eaker,	Camden Riley,	Thomas I. Young—18.

Those who voted in the negative, were

Camden M. Ballard,	Elihu Hogan,	Thomas P. Linthicum,
James P. Barbour,	Overton P. Hogan,	Daniel Morgan,

John P. Bruce, James W. Irwin. Robert A. Patterson,
Walter Chiles, Alfred Johnston, Robert S. Russell,
James W. Hays, John C. Kouns, Nathaniel P. Saunders--15.

And then the Senate adjourned.

FRIDAY, JANUARY 24, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to equalize the compensation for the collection of the revenue tax, with amendments.

That they had passed a bill, entitled, an act to amend an act giving to officers, crews, mechanics, and others, a lien on steamboats, approved January 28, 1839.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act giving the Meade County Court jurisdiction of a part of the Salt River and Bowlinggreen Road.

An act to amend an act incorporating the Lexington and Frankfort Turnpike Road.

An act to amend the charter of the Eagle Creek, New Liberty, Owenton, and Scott County Line Turnpike or Plank Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of William M. Fox, Clerk of the Pulaski Circuit and County Courts.

An act for the benefit of the Sheriff of Anderson county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from a select committee, reported a bill to provide means to take stock in the Louisville and Nashville Railroad; which was read the first time, and ordered to be read a second time,

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on Internal Improvement; and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Leave was given to bring in the following bills, viz:

On motion of Mr. O. P. Hogan—1. A bill to amend the laws in relation to the processioning of land.

On motion of Mr. Graves—2. A bill for the benefit of the heirs of Samuel Scott, deceased.

On motion of Mr. Chiles—3. A bill to provide for the interment of the remains of the Kentuckians who fell at Raisin.

The committee on the Judiciary was directed to prepare and bring in the 1st and 2d; and Messrs. Chiles, Pope, and Magoffin were appointed a committee to prepare and bring in the 3d.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
January 24, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent,

Thomas Beauchamp, to be Sheriff of Simpson county, in the place of Thomas S. Mahen, resigned.

George C. Mason, to be Notary Public for Estill county.

John O. Brion, to be Notary Public for Daviess county.

John F. Fish, to be Notary public for Kenton county.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Irwin moved to dispense with the rules, in order to take up for distribution the bills from the House of Representatives.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	John W. Ritter,
Camden M. Ballard,	John C. Kouns,	Nimrod Routt,
James P. Barbour,	William N. Marshall,	Nathaniel P. Saunders,
Joshua Buster,	Daniel Morgan,	Thomas J. Smith,
James W. Hays,	Hamilton Pope,	William Sterett,
Elihu Hogan,	Camden Riley,	Thomas I. Young—18.

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	Fitch Munger,
John P. Bruce,	Overton P. Hogan,	Robert A. Patterson,
William C. Bullock,	Alfred Johnston,	Thomas Rouse,
Walter Chiles,	John W. Leathers,	James M. Shepard,
Sam. Daviess Delany,	Thomas P. Linthicum,	Berry Smith,
John Eaker,	Beriah Magoffin,	Caleb B. Wallace—18.

The Senate resumed the consideration of the bill to organize County Courts in the several counties.

The amendment moved by Mr. Munger on yesterday was amended and adopted.

Mr. Linthicum moved to amend said bill, by adding to the 6th section the following proviso, viz:

Provided, That the County Court Clerk shall not practice as an attorney at law in the county of which he is Clerk.

Mr. Chiles moved to amend said amendment, by adding thereto the following, viz:

Nor shall he suffer or permit any practicing lawyer to have or keep his office in any room where the records and papers of said Clerk's office shall be kept, or in any room communicating therewith.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The question was then taken on the adoption of said amendment, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Leathers, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Thomas Rouse,
Camden M. Ballard,	James W. Irwin,	Nimrod Routt,
James P. Barbour,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	James M. Shepard,
Walter Chiles,	John W. Leathers,	Berry Smith,
John Eaker,	Thomas P. Linthicum,	Thomas J. Smith,
Abijah Gilbert,	Beriah Magoffin,	Caleb B. Wallace,
James W. Hays,	William N. Marshall,	Thomas I. Young—26.
Elihu Hogan,	Daniel Morgan,	

Those who voted in the negative, were—

Hall Anderson,	Fitch Munger,	John W. Ritter,
William C. Bullock,	Robert A. Patterson,	Robert S. Russell,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett—11.
Richard C. Graves,	Camden Riley,	

Mr. Patterson moved to strike out the seventh section of said bill.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Irwin, were as follows, viz:

Those who voted in the affirmative, were—

James P. Barbour,	Alfred Johnston,	Robert A. Patterson,
Joshua Buster,	Thomas P. Linthicum,	Nimrod Routt,
John Eaker,	William N. Marshall,	James M. Shepard,
Elihu Hogan,	Fitch Munger,	Thomas I. Young—12.

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	Overton P. Hogan,	John W. Ritter,
Hall Anderson,	James W. Irwin,	Thomas Rouse,
Camden M. Ballard,	John C. Kouns,	Robert S. Russell,
John P. Bruce,	John W. Leathers,	Nathaniel P. Saunders,
William C. Bullock,	Beriah Magoffin,	Berry Smith,
Walter Chiles,	Daniel Morgan,	Thomas J. Smith,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett,
Richard C. Graves,	Camden Riley,	Caleb B. Wallace—25.
James W. Hays,		

And then the Senate adjourned.

SATURDAY, JANUARY 25, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled,

An act concerning free negroes and mulattoes.

1. Mr. Routt presented the petition of sundry citizens, praying an act of incorporation for a Railroad from Cynthiana to Lexington.

2. Mr. Morgan presented the petition of sundry citizens of the town of Elizaville and vicinity, in Fleming county, praying the passage of a law allowing an additional Magistrates' and Constables' District in said county.

Which petitions were received, (the 1st read,) and referred—the 1st to the committee on Internal Improvement; and the 2d to the committee on Propositions and Grievances.

Mr. Graves, from the joint committee on Enrollments, reported that

the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz :

An act to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company.

An act for the benefit of School District, No. 29, in Owen county.

An act to repeal an act establishing a Police Court in the town of Hardinsburg.

An act to incorporate the Mayslick and Sardis Turnpike Road Company.

An act declaring Little Sandy navigable to the mouth of Laurel creek, in Morgan county.

An act to legalize an order of the Hickman County Court, appointing an agent to sell Seminary lands.

An act to incorporate the town of Clementsburg, in Crittenden county.

An act for the benefit of V. T. Smith.

An act to incorporate Harvey McGuire Lodge, No. 209, of Free and Accepted Masons.

An act to authorize taxation to build a School House in District No. 25, in Lewis county.

An act to amend an act, entitled, an act to incorporate the several Masonic Institutions of the city of Louisville.

An act to extend the provisions of an act, entitled, an act regulating the price of taking up boats on the Ohio river, approved January 29, 1829, to Big Sandy.

An act to regulate the sale of the estate of persons of unsound mind.

An act for the benefit of the Sheriff of Grant county.

An act to legalize an order of the Hickman County Court in changing a road.

An act to incorporate the Liberty and Hustonville Turnpike Road Company.

An act disposing of the vacant lands in Floyd county.

An act for the benefit of the heirs of James G. Hazelrigg, deceased.

An act for the benefit of Horatio Fields, the son of Thomas I. Fields of Bath county.

An act to amend the charter of the city of Augusta.

An act to amend an act to incorporate the town of Mayslick, in Mason county, approved February 21, 1837.

An act to incorporate the Richmond and Irvine Plank Road Company.

An act to incorporate the Mount Zion Cumberland Presbyterian Church, in Henderson county.

An act for the benefit of Robert Kinkead.

An act for the benefit of the Estill Seminary.

And enrolled bills, which originated in the Senate, of the following titles, viz:

An act to authorize the county of Fayette and city of Lexington to subscribe stock in railroad companies.

An act to incorporate Wayne Lodge, No. 119, of Free and Accepted Masons.

An act in relation to Magistrates' and Constables' Districts in Henry and Laurel counties.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

Mr. Pope, from the committee on the Judiciary, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to incorporate Bullitt Lodge, No. 155, of Free and Accepted Masons.

An act to incorporate Bedford Lodge, No. 158, of Free and Accepted Masons.

An act to authorize the Spencer County Court to sell the Poor House tract of land in said county.

An act to enlarge the jurisdiction of the Police Judge of the town of Hartford.

An act to create the office of Police Judge in the town of Clinton.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee, to whom was referred the petition of sundry citizens of Fleming county, praying the passage of a law to secure to them the use of a certain grave-yard owned by William Penland, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said petition be referred to the committee on Propositions and Grievances.

Mr. Pope, from the same committee, to whom was referred the leave to bring in a bill for the benefit of the widows and orphans of Odd Fellows, asked to be discharged from the further consideration thereof, which was granted.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill for the benefit of Lucretia Stephens, administratrix of James Stephens, deceased.

By same—A bill to incorporate Warren Lodge, No. 53, of Free and Accepted Masons, and Daviess Chapter, No. 29.

By Mr. Ritter, from the same committee—A bill to authorize the Clerk of the Allen Circuit Court to transmit certain papers now in his possession to the Clerk of the Barren Circuit Court.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill to amend the exemption laws, reported the same, with an expression of opinion that it ought *not* to pass.

Ordered, That said bill be referred to a select committe, consisting of Messrs. O. P. Hogan, Pope, Bullock, and Anderson.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed enrolled bills and enrolled resolutions, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Clark's Run and Salt River Turnpike Road Company.

An act to amend the act incorporating the Warsaw Turnpike Road Company.

An act for the benefit of Ephraim Smith.

An act to reduce the number of districts in Mercer county for the election of Justices of the Peace and Constables.

An act for the benefit of William R. Gough, of Graves county.

Approved January 21, 1851.

Resolution to add Camden M. Ballard, and others, to the committee to visit the Institution for the Blind, and Marine Hospital.

Resolution of instruction to the committee on Banks.

Approved January 21, 1851.

The Senate resumed the consideration of the bill to organize County Courts in the several counties.

Mr. Irwin moved to fill the blank, in the seventh section, by inserting the following, viz:

"Two dollars for each settlement, unless the same shall occupy more than one day; and if it should, then one dollar and fifty cents.

Mr. Chiles moved to amend said amendment, by striking out "one dollar and fifty cents," and inserting in lieu thereof "two dollars."

And the question being taken thereon, it was decided in the affirmative.

Mr. Linthicum moved to amend said amendment, as amended, by substituting in lieu thereof the following, viz:

"One dollar and fifty cents for each settlement, unless the same shall occupy more than one day; and if it should, then one dollar and fifty cents."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Hamilton Pope,
Hall Anderson,	John W. Leathers,	John W. Ritter,
William C. Bullock,	Thomas P. Linthicum,	Thomas Rouse,
Joshua Buster,	Beriah Magoffin,	Berry Smith,
Sam. Daviess Delany,	William N. Marshall,	Thomas J. Smith,
John Eaker,	Daniel Morgan,	William Sterett,
Richard C. Graves,	Fitch Munger,	Caleb B. Wallace,
James W. Hays,	Robert A. Patterson,	Thomas I. Young—25.
Elihu Hogan,		

Those who voted in the negative, were

Camden M. Ballard,	Overton P. Hogan,	Robert S. Russell,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
John P. Bruce,	John C. Kouns,	James M. Shepard—10.
Walter Chiles,		

Said amendment, as amended, was then adopted.

And then the Senate adjourned.

MONDAY, JANUARY 27, 1851.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had

approved and signed enrolled bills, which originated in that House of the following titles, viz:

An act for the benefit Allen C. Scott.

An act to amend an act, entitled, an act for the benefit of the Laurel County Seminary, approved February 28, 1835.

An act for the benefit of Jesse Cassity, late Sheriff of Morgan county.

An act for the benefit of Nathan B. Lowe and Joshua West.

An act to amend the police law of the town of Bedford, in Trimble county.

An act to amend an act, entitled, an act for the benefit of the soldiers of the late war with England, &c.

An act to repeal an act declaring Whippoorwill a navigable stream.

An act to amend an act for the benefit of William Joshua Barney, and Georgiana, his wife.

An act for the benefit of the Sheriff of Caldwell county.

An act to reduce the corporate limits of the town of Monticello.

An act to authorize the County Court of Nicholas county to change, alter, or discontinue, a State road in said county.

An act to establish the Police Court of Flemingsburg.

An act for the benefit of the Clerk of the Union County Court.

An act to enlarge the limits of the town of New Market, in Marion county.

An act to authorize the trustees of Paris to levy a tax upon the property of the citizens of said town, and upon property within a mile of said town, to aid in the construction of the Covington and Lexington Railroad.

An act to incorporate the Henry Female College.

An act to incorporate Somerset Royal Arch Chapter, No. 25.

An act to incorporate Curd Lodge, No. 175.

An act to amend an act approved November 18, 1850, to settle the dividing line of Estill and Owsley counties.

An act to confirm a sale made to S. S. Atwell, by the Second Auditor, of a house and lot in Brandenburg.

An act to establish an additional Justices' and Constables' district in Fulton county.

An act to incorporate the Hall of Simpson Division, No. 75, Sons of Temperance.

An act to repeal so much of an act, approved February 23, 1849, as declares Three Mile Creek, in Lawrence county, a navigable stream.

An act to amend an act, entitled, an act to amend the charter of the town of Bowlinggreen, approved 5th March, 1850.

Approved January 21, 1851.

That they had passed bills of the following titles, viz:

An act to amend the charter of the city of Maysville.

An act for the benefit of James J. Hall.

An act for the benefit of William Gracy.

An act to incorporate South Elkhorn and Midway Turnpike Road Company.

An act for the benefit of the Trustees of Waidsboro'.

An act to incorporate the Kentucky Female College, at Greensburg.

An act to provide for the election of certain officers in the town of Paducah.

1. Mr. Pope presented the petition of J. P. Curtis & Co., praying the passage of a law authorizing the issue of duplicate coupons lost by them.

2. Mr. Magoffin presented the petition of the President and Directors of the Harrodsburg and Big Sandy Turnpike Road Company, praying the passage of a law legalizing certain acts of their Board.

3. Mr. Sterett presented the petition of sundry citizens of Grayson county, praying the passage of a law to prohibit the license of foreign itinerant peddlers of merchandise.

4. Mr. E. Hogan presented the petition of the members of the Lexington Female Benevolent Society, praying an act of incorporation.

4. Mr. Johnston presented the petition of Abram Boyd, of Trigg county, praying additional compensation for conveying a lunatic to the Asylum.

Which petitions were received, the readings dispensed with, and referred—the 1st, 3d, and 5th to the committee on Finance; the 2d to the committee on Internal Improvement; and the 4th to the committee on Education.

Mr. Ritter, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to establish the town of Crittenden, in the counties of Grant, Boone, and Kenton, and for other purposes, reported the same without amendment.

Said bill was then amended.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be amended, by striking out "Boone."

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the running and re-marking the boundary lines of Butler county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act in relation to the Seminary lands of Lewis county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom were referred sundry petitions, praying the passage of a law to prohibit the license of foreign itinerant peddlers of merchandise, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said petitions be referred to a select committee, consisting of Messrs. Leathers, Rouse, Munger, Anderson, O. P. Hogan, and Ballard.

The following bills were reported, viz:

By Mr. Morgan, from the committee on Propositions and Grievances—A bill in relation to the town of Glasgow.

By Mr. Chiles, from the committee on Finance—A bill requiring the Assessors of Tax to return the names and Post Offices of the Deaf and Dumb children in the several counties.

By Mr. Eaker, from the same committee—A bill concerning the Treasurer of Graves county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Eaker moved a reconsideration of the vote passing and ordering to a third reading a bill from the House of Representatives, entitled, an act to create the office of Police Judge in the town of Clinton.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

Ordered, That said bill be referred to the committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On motion of Mr. Bullock—1. A bill to incorporate Phœnix Lodge, No. 28, of the Independent Order of Odd Fellows.

On motion of Mr. Hays—2. A bill to incorporate the Hopkinsville Baptist Female Academy.

On motion of Mr. Ballard—3. A bill to change the mode of selecting Commissioners of Common Schools in each county of this State.

On motion of Mr. Munger—4. A bill to incorporate the Masonic Lodge at Germantown.

On motion of Mr. Saunders—5. A bill to incorporate Salt River Lodge, No. 180, of Ancient York Masons, at Mount Washington, Bullitt county.

On motion of Mr. Wallace—6. A bill to fix a standard to which all surveyors' chains shall conform.

On motion of Mr. Linthicum—7. A bill to provide a general law for chartering Masonic and Odd Fellows Lodges.

On motion of Mr. O. P. Hogan—8. A bill to authorize the Commissioners appointed to lay off Grant county into Magistrates' and Constables' Districts to withdraw their report for the purpose of amending the same.

The committee on the Judiciary was directed to prepare and bring in the 1st, 4th, 5th, 6th, and 7th; the committee on Education the 2d and 3d; and Messrs. O. P. Hogan, Leathers, and Rouse, were appointed a committee to prepare and bring in the 8th.

Mr. Eaker read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That in the event the amount of money in the Treasury on the first day of February next to the credit of the School Fund should be less than the aggregate claims thereon from the several counties and school districts of this Commonwealth, it shall be the duty of the Second Auditor, and he is hereby directed, to apportion the money which may then be on hand among the School Commissioners of the several counties, so that each be paid *pro rata;* and that when the deficiency shall be supplied, the same shall be paid to said School Commissioners.

The Speaker laid before the Senate the Annual Report of the Board of Internal Improvement.

OFFICE OF BOARD OF INTERNAL IMPROVEMENT,)
January 27, 1851.)

Hon. B. EDWARDS GREY,
Speaker of the Senate:

You will please present the accompanying report from this office to the body over which you preside. Most respectfully,

J. SPEED SMITH.

[*For Report—see Legislative Documents.*]

Mr. Hays moved to dispense with the rules, in order to take up for distribution the bills from the House of Representatives.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, (Grey,)	William N. Marshall,	Nathaniel P. Saunders,
James P. Barbour,	Fitch Munger,	Thomas J. Smith,
James W. Hays,	Hamilton Pope,	William Sterett,
Elihu Hogan,	Camden Riley,	Thomas I. Young—14.
James W. Irwin,	John W. Ritter,	

Those who voted in the negative, were—

Hall Anderson,	Abijah Gilbert,	Daniel Morgan,
Camden M. Ballard,	Overton P. Hogan,	Robert A. Patterson,
William C. Bullock,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Caleb B. Wallace—19.
John Eaker,		

The Senate resumed the consideration of the bill to organize County Courts in the several counties; and after some discussion thereon,

Mr. Patterson, at ten minutes before 2 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leathers and Eaker, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	William N. Marshall,	Nathaniel P. Saunders,
Camden M. Ballard,	Daniel Morgan,	James M. Shepard,
William C. Bullock,	Fitch Munger,	Berry Smith,
Sam. Daviess Delany,	Robert A. Patterson,	Thomas J. Smith,
John Eaker,	Hamilton Pope,	Caleb B. Wallace,
Richard C. Graves,	Camden Riley,	Thomas I. Young—20.
James W. Irwin.	John W. Ritter,	

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	John W. Leathers,
James P. Barbour,	Elihu Hogan,	Thomas P. Linthicum,
Joshua Buster,	Overton P. Hogan,	Beriah Magoffin,
Walter Chiles,	Alfred Johnston,	Thomas Rouse,
Abijah Gilbert,	John C. Kouns,	William Sterett—15.

TUESDAY, JANUARY 28, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of the Sheriff of Taylor county.

An act for the benefit of the children and heirs of Michael Duvane, and Penelope Thornton, deceased.

An act for the benefit of Thomas L. Garrard, of Pendleton county.

An act granting the town of Salvisa a Police Judge and Town Marshal.

An act to incorporate Hebron Lodge, No. 19, Independent Order of Odd Fellows.

An act for the benefit of the Sheriff of Bath county.

An act for the benefit of the Sheriff of Knox county.

An act for the benefit of the Sheriff of Rockcastle county.

An act for the benefit of the Sheriff of Kenton county.

An act to change the boundary lines of the town of Harrodsburg. With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of Harvey M. Brown.

An act for the benefit of the Sheriffs of Hopkins and Logan counties.

1. Mr. Kouns presented the petition of sundry citizens of Carter county, praying the repeal of an act, which passed the present session of the General Assembly, for the benefit of Charles Rice, of Carter county.

2. Mr. Kouns presented the petition of sundry citizens of Greenup and Carter counties, praying the passage of a law to incorporate a Company to construct a Turnpike or Plank Road from Grayson to Catlettsburg.

3. Mr. Leathers presented the petition of sundry citizens of Kenton county, praying the passage of a law to incorporate the Pleasant Run Turnpike Road Company.

4. Mr. Young presented the remonstrance of sundry citizens of the town of Prestonsburg, against the repeal of the law prohibiting the sale of spirituous liquors in said town.

Which petitions and remonstrance were received, the readings dispensed with, and referred—the 1st to the committee on the Judiciary; the 2d and 3d to the committee on Internal Improvement; and the 4th to the committee on Propositions and Grievances.

Mr. Leathers, from the committee on Internal Improvement, to whom

was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend and re-enact an act, entitled, an act to incorporate the Henderson and Nashville Railroad Company, approved March 4, 1850, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Bullock, from the committee on the Judiciary—A bill to incorporate Phœnix Lodge, No. 28, Independent order of Odd Fellows.

By Mr. Wallace, from the committee on Education—A bill to incorporate the Hopkinsville Baptist Female Institute.

By Mr. O. P. Hogan, from a select committee—A bill in relation to the Magistrates' and Constables' Districts in Grant county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Barbour, from a select committee, reported a bill to repeal an act, entitled, an act to amend the revenue laws, approved March 10, 1843, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order of the day for Monday, the 3d of February, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

On motion of Mr. Barbour, leave was granted to bring in a bill to change the place of voting from Mason Garner's to John F. Blandford's, in Marion county; and Messrs. Barbour, Pope, and Linthicum were appointed a committee to prepare and bring in the same.

Mr. Eaker moved to dispense with the orders of the day, for the purpose of taking up the resolution read and laid on the table by himself on yesterday, authorizing a *pro rata* distribution of the School Fund.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hays and Ballard, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Fitch Munger,	Robert S. Russell,
John Eaker,	Robert A. Patterson,	Thomas J. Smith,
John C. Kouns,	Hamilton Pope,	Thomas I. Young—11.
John W. Leathers,	Camden Riley,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	William N. Marshall,
Hall Anderson,	James W. Hays,	John W. Ritter,
James P. Barbour,	Elihu Hogan,	Thomas Rouse,
John P. Bruce,	Overton P. Hogan,	Nathaniel P. Saunders,
William C. Bullock,	James W. Irwin,	James M. Shepard,
Joshua Buster,	Alfred Johnston,	Berry Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	William Sterett,
Abijah Gilbert,	Beriah Magoffin,	Caleb B. Wallace—24.

The Senate resumed the consideration of the bill to organize County Courts in the several counties.

Mr. Shepard moved to amend said bill, by striking out all that part of the eighth section printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leathers and Ritter, were as follows, viz:

Those who voted in the affirmative, were

James P. Barbour,	Robert A. Patterson,	William Sterret,
Sam. Daviess Delany,	James M. Shepard,	Thomas I. Young—6.

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	Elihu Hogan,	Fitch Munger,
Hall Anderson,	Overton P. Hogan,	Hamilton Pope,
Camden M. Ballard,	James W. Irwin,	Camden Riley,
John P. Bruce,	Alfred Johnston,	John W. Ritter,
William C. Bullock,	John C. Kouns,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	Robert S. Russell,
Walter Chiles,	Thomas P. Linthicum,	Nathaniel P. Saunders,
John Eaker,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	William N. Marshall,	Thomas J. Smith,
Richard C. Graevs,	Daniel Morgan,	Caleb B. Wallace—31.
James W. Hays,		

Mr. Munger moved to strike out the eighth section of said bill.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Saunders and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	Thomas P. Linthicum,	James M. Shepard,
Sam. Daviess Delany,	William N. Marshall,	William Sterett,
John Eaker,	Fitch Munger,	Caleb B. Wallace,
James W. Hays,	Robert A. Patterson,	Thomas I. Young—15.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Camden M. Ballard,	Overton P. Hogan,	Camden Riley,
John P. Bruce,	James W. Irwin,	John W. Ritter,
William C. Bullock,	John C. Kouns,	Robert S. Russell,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	Daniel Morgan,	Thomas J. Smith—22.
Richard C. Graves,		

And then the Senate adjourned.

WEDNESDAY, JANUARY 29, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to authorize a change in the State road leading from Canton to Hickman.

An act to incorporate the Springfield and Marion County Turnpike Road Company.

An act to incorporate the Pleasant Run Turnpike Road Company.

An act to incorporate the Licking Packet Company.

An act to authorize the Trustees of the town of Springfield to subscribe stock in a turnpike road.

An act to incorporate the Farmers Turnpike Road Company.

An act to revive the charter of the Burlington and Dry Creek Turnpike Road Company.

An act to amend the charter of the Lexington, Frankfort, and Versailles Turnpike Road Company.

An act for the benefit of Wm. C. Halbert, Sheriff of Lewis county.

An act to amend an act, entitled, an act to incorporate certain Turnpike Road Companies in Montgomery county, and for other purposes, approved March 5, 1850.

That they had passed bills of the following titles, viz:

An act to divide the State into four districts for the election of Judges of the Court of Appeals.

An act for the benefit of James Clarke, late Sheriff of Casey county.

An act for the benefit of Chas. P. Tate, late Sheriff of Casey county.

An act for the benefit of William Abner, of Owsley county.

An act for the benefit of the Sheriff of Bullitt county.

An act for the benefit of James E. Stone, Clerk of the Hancock Circuit and County Courts.

An act to incorporate the Mayslick and Helena Turnpike Road Company.

An act to amend the law incorporating the Carrollton and Eagle Creek Turnpike Road Company.

1. Mr. Bullock presented the petition of Thomas S. Theobald, praying the passage of a law authorizing the payment to him, out of the Public Treasury, the sum of one thousand six hundred and thirty-five dollars eighty nine and a half cents, the amount found to be due him upon a final decree, rendered in the suits of the Commonwealth against him, as former Keeper of the Penitentiary.

2. Mr. Eaker presented the petition of sundry citizens of Hickman county, praying for a change in the Magistrates' and Constables Districts in said county.

Which petitions were received, the readings dispensed with, and referred—the 1st to the committee on Finance; and the 2d to the committee on the Judiciary.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to change the limits of the town of Lawrenceburg, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Morgan, from the committee on Propositions and Grievances—A bill to run and re-mark the boundary lines between the counties of Lewis and Mason.

By same—A bill to condemn land in Fleming county for a burial ground.

By Mr. Barbour, from a select committee—A bill to change the place of voting from Mason Gardner's to John F. Blandford's, in Marion county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, reported a

bill to incorporate the Lexington, Owingsvillle, and Big Sandy Railroad Company, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be re-committed to the committee on Internal Improvement.

Mr. Bruce, from the same committee, reported a bill providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order of the day, in committee of the whole, for Saturday, the 8th of February, at 10 o'clock, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Pope, from the committee on the Judiciary, reported a bill to revise the Statutes, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order of the day, in committee of the whole, for Tuesday, the 4th of February next.

Leave was given to bring in the following bills, viz:

On motion of Mr. Bruce—1. A bill authorizing the Second Auditor to pay the drafts of the Superintendent of Public Instruction for schools taught.

On motion of Mr. Delany—2. A bill for the benefit of the devisees of John Hughes, deceased.

On motion of Mr. Patterson—3. A bill to authorize the town of Paducah to subscribe stock to the amount of three thousand dollars in a Plank Road from Paducah leading to the Tennessee State line in the direction to Paris, or Boydsville, Tennessee.

On motion of Mr. Ritter—4. A bill to allow an additional Justices' District in Barren county.

Messrs. Bruce, Leathers, Patterson, Irwin, and Linthicum, were appointed a committee to prepare and bring in the 1st; Messrs. Delany, Wallace, and Pope the 2d; the committee on Internal Improvement was directed to prepare and bring in the 3d; and the committee on the Judiciary the 4th.

A bill from the House of Representatives, entitled, an act to divide the

State into four Districts for the election of Judges of the Court of Appeals, was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first judicial district for the Court of Appeals shall be composed of the counties of Mason, Nicholas, Bourbon, Clarke, Madison, Rockcastle, Lewis, Fleming, Bath, Montgomery, Estill, Laurel, Whitley, Harlan, Knox, Clay, Owsley, Letcher, Perry, Breathitt, Morgan, Lawrence, Carter, Greenup, Johnson, Floyd, Pike, and Pulaski.

That the second district shall be composed of the counties of Bracken, Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, Trimble, Henry, Owen, Grant, Harrison, Scott, Fayette, Jessamine, Garrard, Boyle, Mercer, Anderson, Franklin, Woodford, Shelby, and Oldham.

That the third district shall be composed of the counties of Jefferson, Bullitt, Nelson, Spencer, Hardin, Meade, Larue, Hart, Barren, Monroe, Cumberland, Clinton, Wayne, Russell, Casey, Lincoln, Washington, Marion, Taylor, Green, and Adair.

That the fourth district shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, Union, Hopkins, Caldwell, Trigg, Todd, Logan, Simpson, Warren, Allen, Christian, Henderson, Muhlenburg, Daviess, Ohio, Butler, Edmonson, Hancock, Grayson, and Breckinridge.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading of said bill was was dispensed with.

And after some discussion had thereon, the hour for the orders of the day arrived.

Mr. Irwin moved to dispense with the orders of the day.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	John W. Ritter,
James P. Barbour,	John W. Leathers,	Thomas Rouse,
John P. Bruce,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Wm. C. Bullock,	Beriah Magoffin,	James M. Shepard,
Walter Chiles,	Wm. N. Marshall,	Thomas J. Smith,
Richard C. Graves,	Daniel Morgan,	William Sterett,
James W. Hays,	Hamilton Pope,	Thomas I. Young—25.
Elihu Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Robert A. Patterson,
Joshua Buster,	Fitch Munger,	Berry Smith—7.
John Eaker,		

Mr. Patterson moved to amend said bill, by striking the county of *Breckinridge* from the fourth, and adding it to the third District.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Patterson, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	John C. Kouns,	Berry Smith,
John Eaker,	Robert A. Patterson,	Thomas I. Young—8.
Alfred Johnston,	Hamilton Pope,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	Overton P. Hogan,	John W. Ritter,
James P. Barbour,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	John W. Leathers,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,
Sam. Daviess Delany,	William N. Marshall,	Thomas J. Smith,
Richard C. Graves,	Daniel Morgan,	William Sterett—27.

Mr. Munger moved to amend said bill, by striking out all after the enacting clause, and inserting in lieu thereof the following, viz:

That the first judicial district for the Court of Appeals shall be composed of the counties of Fulton, Hickman, Ballard, Graves, McCracken, Crittenden, Livingston, Marshall, Calloway, Trigg, Caldwell, Union, Hopkins, Henderson, Christian, Todd, Muhlenburg, Daviess, Hancock, Ohio, Butler, Logan, Simpson, Warren, Edmonson, Breckinridge, Grayson, and Allen.

That the second district shall be composed of the counties of Meade, Hardin, Jefferson, Oldham, Trimble, Henry, Franklin, Shelby, Bullitt, Nelson, Spencer, Larue, Hart, Barren, Green, Marion, Taylor, Washington, Anderson, and Monroe.

That the third district shall be composed of the counties of Cumberland, Clinton, Adair, Russell, Wayne, Pulaski, Casey, Lincoln, Boyle, Mercer, Woodford, Fayette, Garrard, Jessamine, Madison, Estill, Rockcastle, Laurel, Whitley, Knox, Harlan, Clay, Perry, Letcher, Floyd, Pike, Johnson, Morgan, Owsley, and Breathitt.

That the fourth district shall be composed of the counties of Greenup, Carter, Lawrence, Lewis, Fleming, Bath, Mason, Bracken, Bourbon, Nicholas, Pendleton, Harrison, Scott, Campbell, Kenton, Grant, Boone, Gallatin, Carroll, Owen, Clarke, and Montgomery.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Munger and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Hamilton Pope,
John P. Bruce,	John W. Leathers,	Berry Smith,
Sam. Daviess Delany,	Fitch Munger,	Thomas J. Smith,
John Eaker,	Robert A. Patterson,	Thomas I. Young—13.
Alfred Johnston,		

Those who voted in the negative, were—

Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	Overton P. Hogan,	John W. Ritter,
James P. Barbour,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	Thomas P. Linthicum,	Robert S. Russell,
Joshua Buster,	Beriah Magoffin,	Nathaniel P. Saunders,
Walter Chiles,	William N. Marshall,	James M. Shepard,
Richard C. Graves,	Daniel Morgan,	William Sterett—22.
James W. Hays,		

Mr. Patterson moved to amend said bill, by striking out all after the enacting clause, and inserting in lieu thereof the following, viz:

That the first judicial district for the Court of Appeals shall be composed of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Marshall, Calloway, Livingston, Crittenden, Union, Henderson, Caldwell, Trigg, Daviess, Hancock, Christian, Todd, Hopkins, Muhlenburg, Ohio, Butler, Edmonson, Warren, Logan, Simpson, Allen, Grayson, and Breckinridge.

That the second district shall be composed of the counties of Jefferson, Kenton, Boone, Gallatin, Grant, Owen, Franklin, Carroll, Trimble, Henry, Oldham, Shelby, Anderson, Spencer, Nelson, Bullitt, Hardin, Larue, and Meade.

The third district shall be composed of the counties of Barren, Monroe, Hart, Green, Marion, Washington, Adair, Cumberland, Clinton, Wayne, Russell, Casey, Boyle, Mercer, Garrard, Lincoln, Pulaski, Whitley, Knox, Harlan, Letcher, Perry, Clay, Laurel, Rockcastle, Breathitt, Madison, Estill, Owsley, and Taylor.

That the fourth district shall be composed of the counties of Fayette, Jessamine, Woodford, Scott, Bourbon, Clarke, Montgomery, Bath, Nicholas, Harrison, Pendleton, Bracken, Campbell, Mason, Fleming, Lewis, Greenup, Carter, Lawrence, Johnson, Pike, Morgan, and Floyd.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Linthicum and Rouse, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, (Grey,)	John C. Kouns,	Hamilton Pope,
John P. Bruce,	Fitch Munger,	Berry Smith,
John Eaker,	Robert A. Patterson,	Thomas I. Young—10.
Alfred Johnston,		

Those who voted in the negative, were—

Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	Overton P. Hogan,	John W. Ritter,
James P. Barbour,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	John W. Leathers,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,
Sam. Daviess Delany,	William N. Marshall,	Thomas J. Smith,
Richard C. Graves,	Daniel Morgan,	William Sterett—25.
James W. Hays,		

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin moved to dispense with the orders of the day, for the purpose of taking up, for distribution, the bills from the House of Representatives.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Bruce, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Camden Riley,
Camden M. Ballard,	Beriah Magoffin,	John W. Ritter,
James P. Barbour,	William N. Marshall,	Nathaniel P. Saunders,
James W. Hays,	Daniel Morgan,	Thomas J. Smith,
Elihu Hogan,	Fitch Munger,	William Sterett,
James W. Irwin.	Hamilton Pope,	Thomas I. Young—18.

Those who voted in the negative, were

Hall Anderson,	John Eaker,	Robert A. Patterson,
John P. Bruce,	Richard C. Graves,	Thomas Rouse,
William C. Bullock,	Overton P. Hogan,	Robert S. Russell,
Joshua Buster,	Alfred Johnston,	James M. Shepard,
Walter Chiles,	John W. Leathers,	Berry Smith—17.
Sam. Daviess Delany,	Thomas P. Linthicum,	

Mr. Barbour moved to dispense with the orders of the day, for the purpose of taking up the resolution authorizing a *pro rata* distribution of the School Fund, read and laid on the table by Mr. Eaker on the 20th inst.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hays and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	John C. Kouns,	Robert S. Russell,
James P. Barbour,	Fitch Munger,	Thomas J. Smith,
Sam. Daviess Delany,	Robert A. Patterson,	Thomas I. Young—11.
John Eaker,	Hamilton Pope,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Daniel Morgan,
Hall Anderson,	Overton P. Hogan,	Camden Riley,
John P. Bruce,	James W. Irwin,	John W. Ritter,
William C. Bullock,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
Walter Chiles,	Thomas P. Linthicum,	James M. Shepard,
Richard C. Graves,	Beriah Magoffin,	Berry Smith,
James W. Hays,	William N. Marshall,	William Sterett—24.

A bill from the House of Representatives, entitled, an act for the benefit of William Gracy, was read the first time, as follows, viz:

Whereas, William Gracy, of Covington, was a youthful soldier in the late war with Mexico, and, by the premature discharge of a cannon, has lost both arms; and it is represented to this General Assembly that he can procure a pair of artificial arms and hands for the sum of two hundred and fifty dollars, but is penniless himself, and has no one nearly related to him able to assist him. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be, and he is hereby directed, to issue his warrant on the Treasurer for the sum of two hundred and fifty dollars, in favor of the said William Gracy, or his order.

Ordered, That said bill be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Mr. Magoffin moved to amend said bill, by adding thereto the following engrossed clause, by way of ryder, viz:

"*Provided, however*, That the said sum be, and it is hereby ordered to be paid first out of any money due the members of this General Assembly, for and during the late recess of sixteen days, and provided that the balance of the pay of the members thereof, during said recess, be, and the same is hereby appropriated to the widows and orphans of such soldiers from Kentucky as fell in any of the battles of Mexico—a *pro rata* distribution of the same being made by the Governor of all such claims which shall be properly proven and authenticated within four months from the passage of this act: *And, provided further*, that any member of this General Assembly, who may think proper to do so, may draw his pay during the said recess."

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Magoffin and Hays, were as follows, viz:

Those who voted in the affirmative, were

Joshua Buster,	Beriah Magoffin,	Robert S. Russell,
James W. Hays,	Fitch Munger,	William Sterett,
Overton P. Hogan,	Hamilton Pope,	Thomas I. Young—10.
Thomas P. Linthicum,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Camden Riley,
Hall Anderson,	Alfred Johnston,	John W. Ritter,
Camden M. Ballard,	John C. Kouns,	Thomas Rouse,
James P. Barbour,	John W. Leathers,	Nathaniel P. Saunders,
Wm. C. Bullock,	Wm. N. Marshall,	James M. Shepard,
Walter Chiles,	Daniel Morgan,	Berry Smith,
Sam. Daviess Delany,	Robert A. Patterson,	Thomas J. Smith—22.
Richard C. Graves,		

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Robert A. Patterson,
Camden M. Ballard,	James W. Irwin,	Hamilton Pope,
James P. Barbour,	Alfred Johnston,	Camden Riley,
John P. Bruce,	John C. Kouns,	John W. Ritter,
William C. Bullock,	John W. Leathers,	Robert S. Russell,
Walter Chiles,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	James M. Shepard,
John Eaker,	William N. Marshall,	Berry Smith,
Richard C. Graves,	Daniel Morgan,	William Sterett,
James W. Hays,	Fitch Munger,	Thomas I. Young—31.
Elihu Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Thomas Rouse,	Thomas J. Smith—4.
Joshua Buster,		

Resolved, That the title of said bill be as aforesaid.

Mr. Irwin, at fifteen minutes past 1 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Linthicum and Young, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Camden Riley,
Camden M. Ballard,	William N. Marshall,	John W. Ritter,
Sam. Daviess Delany,	Daniel Morgan,	Robert S. Russell,
Elihu Hogan,	Robert A. Patterson,	James M. Shepard,
James W. Irwin,	Hamilton Pope,	Thomas I. Young—15.

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	Fitch Munger,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
William C. Bullock,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John W. Leathers,	Berry Smith,
Walter Chiles,	Thomas P. Linthicum,	Thomas J. Smith,
John Eaker,	Beriah Magoffin,	William Sterett—19.
Richard C. Graves,		

The Senate resumed the consideration of the bill to organize County Courts in the several counties.

Mr. Anderson moved to amend said bill, in the eleventh section, by striking out the words "*de idioto, and de lunatico inquirendo*," and inserting in lieu thereof the words "writs of inquiry, concerning idiots and lunatics.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Daniel Morgan,
Hall Anderson,	James W. Irwin,	Camden Riley,
John P. Bruce,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Robert S. Russell,
Joshua Buster,	John W. Leathers,	Berry Smith,
Sam. Daviess Delany,	William N. Marshall,	Thomas J. Smith—18.

Those who voted in the negative, were—

Camden M. Ballard,	Overton P. Hogan,	Hamilton Pope,
James P. Barbour,	Thomas P. Linthicum,	John W. Ritter,
Walter Chiles,	Beriah Magoffin,	Nathaniel P. Saunders,
John Eaker,	Fitch Munger,	James M. Shepard,
Richard C. Graves,	Robert A. Patterson,	William Sterret—16.
James W. Hays,		

And then the Senate adjourned.

THURSDAY, JANUARY 30, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to appoint two Trustees for Rockcastle Seminary, and for other purposes.

An act for the benefit of the heirs of Joseph Burnett, deceased.

An act in relation to the Magistrates' and Constables' districts in Grant county.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act to incorporate the New Liberty and Kentucky River Turnpike Road Company.

An act to regulate tolls on turnpike roads in Mason county.

An act to regulate tolls on turnpike roads in Kenton county.

An act to incorporate McKenzie Temple of Honor, No. 6.

An act in relation to the Seminary fund of McCracken county.

An act for the benefit of School District, No. 1, of Lawrence county.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill for the benefit of Samuel G. Mullins, of Mercer county, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, reported a bill to incorporate Salt River Lodge, No. 180, in the town of Mount Washington, in Bullitt county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, to whom was referred a bill to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from select committees, viz:

By Mr. Linthicum—1. A bill to regulate the election laws.

By Mr. Bruce—2. A bill providing for the payment of the orders of the Schools Commissioners for the year 1850.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, that the 1st be made the special order for Monday, the 10th of February, and that the 2d be referred to the committee on Finance, and that the Public Printer print 150 copies of each of said bills for the use of the General Assembly.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—1. A bill to amend the charter of the Cave Hill Cemetery.

On motion of Mr. Bullock—2. A bill to incorporate the Ciceronian Society, of Shelby College.

On motion of Mr. Saunders—3. A bill to incorporate Bullitt Royal Arch Chapter, No. 40.

On motion of Mr. Russell—4. A bill for the benefit of James McConnell.

The committee on the Judiciary was directed to prepare and bring in the 1st and 3d; the committee on Finance the 4th; and Messrs. Bullock, Ritter, and Ballard, were appointed a committee to prepare and bring in the 2d.

The amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act in relation to the Magistrates' and Constables' districts in Grant county, was taken up, twice read, and concurred in.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
January 30, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent,

James Morgan, to be Sheriff of Mercer county—the County Court having failed to recommend a successor to the present Sheriff.

Levi Walter, to be Major of the 13th Division Kentucky Militia, in place of Leonard Stephens, resigned.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act in relation to the Seminary lands of Lewis county.

An act for the benefit of William Gracy.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

A bill from the House of Representatives, entitled, an act to establish twelve Judicial Circuit Court Districts, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Irwin moved an amendment to said bill.

Mr. O. P. Hogan moved an amendment to said amendment.

And after some discussion had thereon, the hour for the orders of the day arrived.

The Senate resumed the consideration of the bill to organize County Courts in the several counties.

Mr. Pope moved to amend said bill, by adding to the sixteenth section the following proviso, viz:

Provided, That the Chancellor of the Louisville Chancery Court and the Judges of the Circuit Courts shall have concurrent jurisdiction with the Presiding Judge in all cases arising under the provisions of this section, within the jurisdiction of said Chancery and Circuit Courts.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Mr. Delany moved to amend said bill, by adding to the sixteenth section the following proviso, viz:

Provided, That the Presiding Judge of the County Court shall not practice as an attorney at law in said county.

And the question being taken on the adoption of said amendment, it was decided tn the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Ritter, were as follows, viz:

Those who voted in the affirmative, were

James P. Barbour,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Robert S. Russell,
Joshua Buster,	William N. Marshall,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Daniel Morgan,	James M. Shepard,
John Eaker,	Robert A. Patterson,	Berry Smith,
Abijah Gilbert,	John W. Ritter,	Thomas J. Smith—19.
James W. Hays,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Thomas P. Linthicum,
Hall Anderson,	Elihu Hogan,	Beriah Magoffin,
Camden M. Ballard,	Overton P. Hogan,	Fitch Munger,
William C. Bullock,	James W. Irwin,	Hamilton Pope,
Walter Chiles,	John W. Leathers,	William Sterett—15.

And then the Senate adjourned.

FRIDAY, JANUARY 31, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act to incorporate Mayfield

Lodge, No. 146, of Free and Accepted Masons, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the scond reading being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act to increase the jurisdiction of Justices of the Peace.
2. An act to amend an act giving to officers, crews, mechanics, and others, a lien on steamboats, approved January 28, 1839.
3. An act concerning free negroes and mulattoes.
4. An act to amend the charter of the city of Maysville.
5. An act for the benefit of James J. Hall.
6. An act to incorporate South Elkhorn and Midway Turnpike Road Company.
7. An act for the benefit of the Trustees of Waidsboro'.
8. An act to incorporate the Kentucky Female College, at Greensburg.
9. An act providing for the election of certain officers in the town of Paducah.
10. An act for the benefit of Harvey M. Brown.
11. An act for the benefit of the Sheriffs of Hopkins and Logan counties.
12. An act for the benefit of James Clarke, late Sheriff of Casey county.
13. An act for the benefit of Charles P. Tate, late Sheriff of Casey county.
14. An act for the benefit of William Abner, of Owsley county.
15. An act for the benefit of the Sheriffs of Bullitt county.
16. An act for the benefit of Jas. E. Stone, Clerk of the Hancock Circuit and County Courts.
17. An act to incorporate the Mayslick and Helena Turnpike Road Company.
18. An act to amend the law incorporating the Carrollton and Eagle Creek Turnpike Road Company.
19. An act to incorporate the New Liberty and Kentucky River Turnpike Road Company.
20. An act to regulate tolls on turnpike roads in Mason county.
21. An act to regulate tolls on turnpike roads in Kenton county.
22. An act to incorporate McKenzie Temple of Honor, No. 6.
23. An act in relation to the Seminary fund of McCracken county.

24. An act for the benefit of School District, No. 1, of Lawrence county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, 3d, 7th, 9th, and 22d to the committee on the Judiciary; the 4th and 5th to the committee on Propositions and Grievances; the 6th, 17th, 18th, 19th, 20th, and 21st to the committee on Internal Improvement; the 8th, 23d, and 24th to the committee on Education, and the 10th, 11th, 12th, 13th, 14th, 15th, and 16th to the committee on Finance.

Mr. Sterett presented the petition of sundry citizens of Breckinridge county, praying the passage of a law to change the location of a precinct in said county for the election of Magistrates and Constables.

Which petition was received, the reading dispensed with, and referred to the committee on Privileges and Elections.

On motion of Mr. Patterson,

Ordered, That leave of absence, for a few days, be granted to Mr. Leathers.

On motion of Mr. Bullock,

Ordered, That leave of absence, for a few days, be granted to the Clerk of the Senate.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish twelve Judicial Circuit Districts, and the amendments proposed thereto.

Mr. O. P. Hogan moved to refer said bill and amendments to the committee on Circuit Courts, with instructions to report the same on Tuesday next at 10 o'clock.

Mr. Patterson moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall said bill and amendments be referred to the committee on Circuit Courts, with instructions to report the same on Tuesday next at 10 o'clock?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Robert A. Patterson,
John P. Bruce,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith,
John Eaker,	Fitch Munger,	William Sterett—19.
Elihu Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Camden Riley,
Camden M. Ballard,	Beriah Magoffin,	John W. Ritter,
James P. Barbour,	William N. Marshall,	Robert S. Russell,
Abijah Gilbert,	Hamilton Pope,	Nathaniel P. Saunders--13.
James W. Hays,		

The following bills were reported, viz:

By Mr. Hays, from the committee on the Judiciary—A bill to amend the charter of the Cave Hill Cemetery.

By Mr. Magoffin, from the committee on Education—A bill to incorperate the Lexington Benevolent Female Society.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Ballard—1. A bill for the benefit of Caroline Ellis, and others.

On motion of Mr. Speaker, (Grey)—2. A bill to allow the commissioners of Christian county, appointed to divide said county into Magistrates' and Constables' districts, to withdraw their report.

The committee on the Judiciary was directed to prepare and bring in the 1st; and Messrs, Irwin, Eaker, and Magoffin, were appointed a committee to prepare and bring in the 2d.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to athourize the running and re-marking the boundary lines of Butler county.

An act to incorporate Bullitt Lodge, No. 155, of Free and Accepted Masons.

An act to enlarge the jurisdiction of the Police Judge of the town of Hartford.

An act to incorporate Bedford Lodge, No. 158, of Free and Accepted Masons.

An act to authorize the Spencer County Court to sell the Poor House tract of land in said county.

An act for the benefit of William M. Fox, Clerk of the Pulaski Circuit and County Courts.

An act giving the Meade County Court jurisdiction of a part of the Salt River and Bowlinggreen Road.

An act to amend an act incorporating the Lexington and Frankfort Turnpike Road.

An act to amend the charter of the Eagle Creek, New Liberty, Owenton, and Scott County Line Turnpike or Plank Road Company.

An act for the benefit of the Sheriff of Anderson county.

An act for the benefit of the citizens of the town of Burksville.

An act to divide the State into four districts for the election of Judges of the Court of Appeals.

An act to change the limits of the town of Lawrenceburg.

An act to revive the corporate powers, and to authorize the re-building of the Meeting House of Mount Tabor Church, in Estill county.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing their disagreement to a bill from the Senate, entitled, an act to divide the State into twelve Circuit Court Judicial districts.

The Speaker laid before the Senate a special report from the Superintendent of Public Instruction, in response to a resolution of the 21st inst.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
January 30, 1851.

Hon. B. EDWARDS GREY, *Speaker of the Senate:*

SIR: I have the honor to transmit to you, herewith, a special report, in obedience to the resolution of the Senate, passed on the 21st instant, on the subject of the liability of the Sinking Fund, for the payment of the interest due by the State, on her bonds held by the Board of Education. Respectfully,

RO. J. BRECKINRIDGE,
Superintendent of Public Instruction.

[*For the Response—see Legislative Documents.*]

Mr. O. P. Hogan moved to print 150 copies of said report for the use of the Senate.

And after some discussion had thereon, the hour arrived for the orders of the day.

Mr. Magoffin moved to dispense with the orders of the day for the present.

And the question being taken thereon, it was decided in the negative—(two thirds not voting therefor.)

The yeas and nays being required thereon by Messrs. Linthicum and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Robert A. Patterson,
John P. Bruce,	James W. Irwin,	Hamilton Pope,
William C. Bullock,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John C. Kouns,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	Berry Smith,
John Eaker,	Beriah Magoffin,	Thomas J. Smith,
Abijah Gilbert,	William N. Marshall,	Thomas I. Young—22.
Elihu Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	John W. Ritter,
Camden M. Ballard,	Daniel Morgan,	Robert S. Russell,
James P. Barbour,	Fitch Munger,	James M. Shepard,
Walter Chiles,	Camden Riley,	William Sterett—12.

The Senate resumed the consideration of the bill to organize County Courts in the several counties.

Mr. Munger moved to amend said bill, by adding to the sixteenth section the following proviso, viz:

Provided, That the Presiding Judge shall not be prohibited from practicing law in his county, in such cases as have not arisen in his Court, or have not grown out of cases decided by him, or settlements made by him, as herein provided.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Munger and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Hamilton Pope,
Wm. C. Bullock,	Thomas P. Linthicum,	Thomas Rouse,
Walter Chiles,	Beriah Magoffin,	William Sterett,
Elihu Hogan,	Fitch Munger,	Thomas I. Young—13.
Overton P. Hogan,		

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	Camden Riley,
James P. Barbour,	Alfred Johnston,	John W. Ritter,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	Wm. N. Marshall,	James M. Shepard,
Sam. Daviess Delany,	Daniel Morgan,	Berry Smith,
John Eaker,	Robert A. Patterson,	Thomas J. Smith—19.
Abijah Gilbert,		

Mr. Barbour moved to amend said bill, by striking out all after the enacting clause, and inserting in lieu thereof the following viz:

§ 1. That a county court shall be and is hereby established in each county of this commonwealth, which shall be held at the same times and places that existing county courts are now directed by law to be held.

§ 2. That the office of associate judge of the county court, mentioned in the 29th section of the 4th article of the constitution, be abolished, and that said court shall consist of one judge.

§ 3. The county court shall have cognizance of all causes respecting wills, letters of administration, the laws in relation to executors, administrators, and guardians, and the settlement of their accounts, and the hearing and determination of all testamentary causes; it shall superintend the public inspections, appoint processioners, and hear and determine, according to law, causes between master and apprentice; it shall have power to establish and regulate ferries, appoint inspectors, collectors and their deputies, commissioners for the assignment of dower and partition of lands and slaves, hear and determine appeals from justices of the peace, appoint viewers and regulate preliminary proceedings in regard to roads and passways, bind out poor children of color, have cognizance of the emancipation of slaves and the records of evidences of freedom, the appointment of commissioners to take proof under the act of 1799, approved 21st December, the regulation of patrols, the appointment of persons to serve process in certain cases, and the regulation of strays and stray pounds; and shall have cognizance of causes in relation to bastardy, and writs of inquiry as to idiots and lunatics, and of all other matters of which the county courts of this commowealth now have jurisdiction, and wherein three justices of the peace are sufficient to constitute a court for the transaction of such business, which jurisdiction shall be exercised in conformity with the laws now in force regulating proceedings in the county courts, and, in like manner, shall have jurisdiction concurrent with the court of associate justices, of all causes in regard to the grant of tavern licenses, and the restraint of tippling houses.

§ 4. That the presiding judge of the county court shall be a conservator of the peace within his county, and shall have all the power and jurisdiction in cases of riots, routs, and unlawful assemblies, breaches of the peace, and of all misdemeanors, now conferred by law on justices of the peace, subject to the same rules and regulations; and he shall have power, by his warrant, directed to the Sheriff or any constable of his county, to cause persons charged with a violation of the penal laws of this commonwealth to be apprehended and brought before him, and to take the recognizance of such person, so charged, to appear and answer the same, or to commit such person to prison, there to remain until discharged by due course of law; and in all such proceedings he shall be governed by existing laws regulating the powers and proceedings of justices in similar cases.

§ 5. The county judge shall receive for his services a compensation, which shall not be changed during his continuance in office, not exceeding five dollars nor less than three dollars for every day in which he is sitting as judge, which shall be paid from the county treasury.

§ 6. That, hereafter, it shall be the duty of the county judge, under an act regulating the mode of settling the accounts of executors, administrators, and guardians, approved February 24, 1834, to appoint but one commissioner, who shall discharge the duties prescribed by law; and the party or parties, employing such commissioner, shall pay him the sum of two dollars for each day he may be engaged in such settlement: *Provided*, that two dollars may be allowed for the settlement of any one estate, if less than one day is occupied therein.

§ 7. That in case of the death, resignation, or inability to serve, of the

county judge, the county court shall be held by one of the justices of the peace of the county, selected by the court of associate justices for that purpose, upon being notified by the clerk of the county court; which justice shall receive a compensation, to be deducted from that of the county judge, in proportion to the time he may discharge the duties of the office.

§ 8. The county court clerks, elected in conformity with the constitution, shall be the clerks of the county courts hereby organized, and shall receive the records, papers, and public property, now in the custody of the clerks of the existing county courts, and they shall be the records of the court hereby organized, in the same manner they now are of the existing county courts.

§ 9. The sheriffs of the several counties shall be the ministerial officers of the several county courts, with the powers, duties, and responsibilities prescribed by law.

CONCERNING ASSOCIATE JUSTICES.

§ 10. The presiding judge of the county court, together with a majority of the justices of the peace who may be in commission, or a majority of such justices, shall hold a court for the transaction of business, in the several counties of this commonwealth, at the same times and places that the county courts are now directed to be held, in the months of April and October in each year hereafter; and it shall be the duties of the justices of the peace to attend such courts.

§ 11. The presiding judge of the county court may, at any time, call a special term of the associate justices' court.

§ 12. The presiding judge and associate justices—forming a court as directed in the tenth section—shall have cognizance of all cases concerning the erection and preservation of public buildings, the care and control of the property belonging to the county, the compensation of county officers from the county treasury, the establishment, alteration, and discontinuance of roads and passways, and the erection of gates across the same, the construction of bridges, the care and relief of the poor and infirm, and the erection and regulation of poor-houses, the working upon navigable streams, the allowance of credits to sheriffs upon delinquent lists and proceedings against delinquents to the revenue, the regulation of tavern rates, the establishment of towns, the powers in relation to the trustees of towns, and the opening of streets and alleys, the sale of vacant lands for internal improvements, and the compensation of commissioners appointed in relation to taxable property, in the same manner and under the same regulations that the existing county courts of this commonwealth now have jurisdiction thereof; and they shall, furthermore, have cognizance of all other matters which are now cognizable by the county court, wherein more than three justices of the peace are now required by law to sit; which jurisdiction shall be exercised according to the laws now in force; and shall have concurrent jurisdiction with the county court, of all causes relating to the grant of tavern licenses and the restraint of tippling houses.

§ 13. The clerk of the county court shall be the clerk of the court so holden, and the sheriff of the county shall be its ministerial officer; and they shall bear the same relation thereto that they do to the county court.

CONCERNING THE COURT OF CLAIMS.

§ 14. That the presiding judge and a majority of the justices of the peace in commission, or a majority of the justices only, shall, in the month of October in each year, hold—as the county courts have heretofore done—a court of claims, to hear, examine, and liquidate all claims charged by law on their respective counties, and to lay the levy therefor upon the county, as prescribed by law; and if they shall fail to do so, they shall, at their next regular or special term, discharge said duties.

§ 15. The court of claims, only, shall have power to make appropriations from the county treasury or lay the county levy.

§ 16. The court of claims shall, at its first session, fix the compensation of the presiding judge of the county court, and shall, thereafter, before the election of his successor or successors, fix the compensation, which shall not be increased nor diminished during the continuance of such judge in office; and the presiding judge shall not have a vote when his compensation is determined.

§ 17. The courts herein mentioned shall be courts of record, and shall have the same power to punish contempts which the existing county courts now possess.

§ 18. That hereafter, it shall not be lawful to make to any clerk or sheriff any allowance for *ex-officio* services, out of the county levies of the several counties of this commonwealth, and that all acts conferring such powers on the county courts are hereby repealed.

§ 19. The presiding judges of the county court shall enter upon their office on the 2d Monday in June, 1851.

Mr. O. P. Hogan moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall the amendment of Mr. Barbour be adopted?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Barbour, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John C. Kouns,	Robert A. Patterson,
James P. Barbour,	Thomas P. Linthicum,	Thomas Rouse,
John Eaker,	William N. Marshall,	William Sterett,
James W. Hays,	Fitch Munger,	Thomas I. Young—13.
James W. Irwin,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Camden Riley,
Camden M. Ballard,	Elihu Hogan,	John W. Ritter,
John P. Bruce,	Overton P. Hogan,	Nathaniel P. Saunders,
William C. Bullock,	Alfred Johnston,	James M. Shepard,
Joshua Buster,	Beriah Magoffin,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith—20.
Abijah Gilbert,	Hamilton Pope,	

The question was then taken—"shall said bill be engrossed and read a third time, as amended?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Sterett, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, (Grey,)	Richard C. Graves,	Camden Riley,
Camden M. Ballard,	Elihu Hogan,	John W. Ritter,
John P. Bruce,	Overton P. Hogan,	Nathaniel P. Saunders,
William C. Bullock,	James W. Irwin,	James M. Shepard,
Joshua Buster,	Beriah Magoffin,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith—20.
Abijah Gilbert,	Hamilton Pope,	

Those who voted in the negative, were—

Hall Anderson,	John C. Kouns,	Robert A. Patterson,
James P. Barbour,	Thomas P. Linthicum,	Thomas Rouse,
John Eaker,	William N. Marshall,	William Sterett,
James W. Hays,	Fitch Munger,	Thomas I. Young—13.
Alfred Johnston,		

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Ritter, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Hamilton Pope,
Camden M. Ballard,	Elihu Hogan,	Camden Riley,
John P. Bruce,	Overton P. Hogan,	John W. Ritter,
William C. Bullock,	James W. Irwin,	Nathaniel P. Saunders,
Joshua Buster,	Beriah Magoffin,	James M. Shepard,
Sam. Daviess Delany,	Daniel Morgan,	Berry Smith—19.
Abijah Gilbert,		

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	Thomas Rouse,
James P. Barbour,	Thomas P. Linthicum,	Thomas J. Smith,
John Eaker,	William N. Marshall,	William Sterett,
James W. Hays,	Fitch Munger,	Thomas I. Young—14.
Alfred Johnston,	Robert A. Patterson,	

Resolved, That the title of said bill be as aforesaid.

Mr. E. Hogan moved a reconsideration of the vote by which a bill from the House of Representatives, entitled, an act to establish twelve Judicial Circuit Court districts, and the amendments proposed thereto, were referred to the committee on Circuit Courts, with instructions to report the same on Tuesday next at 10 o'clock.

And then the Senate adjourned.

SATURDAY, FEBRUARY, 1, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill and adopted a resolution, of the following titles, viz:

An act to amend an act, entitled, an act to incorporate the Trustees of Bacon College, located at Harrodsburg.

Resolution in relation to a grant of land by Congress to the State of Kentucky.

1. Mr. Morgan presented the petition of David B. and Jesse W. Craig, praying the passage of a law making them an allowance for work and labor done on the Owingsville and Big Sandy Turnpike Road.

2. Mr. Johnston presented the petition of sundry citizens of Trigg county, praying the passage of a law to restore the election precinct at Canton, which had been removed from said place by the Commissioners appointed to divide said county into Magistrates' and Constables' districts.

3. Mr. Kouns presented the petition of sundry citizens of Greenup and Carter counties, praying an act of incorporation for a Company to construct a Turnpike or Plank Road from Grayson to the mouth of Big Sandy.

4. Mr. Kouns presented the remonstrance of sundry citizens of Carter county, against the formation of a new county out of parts of Fleming, Morgan, and Carter counties.

5. Mr. Delany presented the petition of sundry citizens of Hopkins county, praying the passage of a law to prohibit the license of foreign itinerant peddlers of merchandise.

Which petitions and remonstrance were received, the readings dispensed with, and referred—the 1st to the committee on Finance; the 2d and 4th to the committee on Propositions and Grievances; the 3d to the committee on Internal Improvement; and the 5th to Messrs. Leathers, O. P. Hogan, and Rouse.

On motion of Mr. Eaker,

Ordered, That leave of absence, until Monday next, be granted to Mr. E. Hogan.

The Senate resumed the consideration of the motion made by Mr. E. Hogan on yesterday, to reconsider the vote by which a bill from the House of Representatives, entitled, an act to establish twelve Judicial Circuit districts, and the amendments proposed thereto, were referred to

the commttee on Circuit Courts, with instructions to report on Tuesday next at 10 o'clock.

Ordered, That the further consideration of said motion be postponed until Tuesday next.

Leave was given to bring in the following bills, viz:

On motion of Mr. Kouns—1. A bill to amend the road law in Greenup county.

On motion of Mr. Barbour—2. A bill to amend the charter of the Lebanon and Bradfordsville Turnpike Road Company.

On motion of Mr. Patterson—3. A bill to incorporate the Fredonia Cumberland Presbyterian Church, in Caldwell county.

On motion of Mr. Irwin—4. A bill to provide for the collection of tolls on Kentucky, Green, and Barren rivers.

On motion of same—5. A bill to allow the Commissioners of Logan county to withdraw their report.

The committee on Internal Improvement was directed to prepare and bring in the 1st and 2d; the committee on Religion the 3d; and Messrs. Irwin, Bruce, and Graves, were appointed a committee to prepare and bring in the 4th and 5th.

Mr. Morgan, from the committee on Propositions and Grievances, reported a bill for the benefit of George Johnson, of Morganfield, which was read the first time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the Trustees of Morganfield, (a majority concurring,) to grant a license to Col. George Johnson to keep a coffee-house in said town.

§ 2. That upon the grant of said privilege, said Johnson shall pay into the hands of the Clerk of the Union County Court the sum of ten dollars, which shall be by him paid into the Treasury of the State, as he is by law required to pay over such revenue as shall come to his hands as clerk; and furthermore, said Trustees shall require said Johnson to execute bond, with one or more good securities, in the penalty of five hundred dollars, payable to the Commonwealth of Kentucky, with condition that he will well and truly keep an orderly house, and shall not, at any time, permit any person to be so intoxicated in said house so as to disturb the public peace; which bond may be put in suit in any Court in this Commonwealth having jurisdiction of such cases, for a breach or violation of the condition of said bond, and shall also be subject to an indictment by the grand jury, and the withdrawal of the privilege herein directed to be granted.

Ordered, That said bill be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Shepard, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Thomas Rouse,
Camden M. Ballard,	John C. Kouns,	Robert S. Russell,
James P. Barbour,	Daniel Morgan,	Thomas J. Smith,
John P. Bruce,	Fitch Munger,	William Sterett,
Sam. Daviess Delany,	Robert A. Patterson,	Caleb B. Wallace,
John Eaker,	Hamilton Pope,	Thomas I. Young—20.
Abijah Gilbert,	Camden Riley,	

Those who voted in the negative, were

Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Richard C. Graves,	William N. Marshall,	James M. Shepard,
James W. Hays,	John W. Ritter,	Berry Smith—9.

Resolved, That the title of said bill be as aforesaid.

Mr. Morgan, from the same committee, to whom was referred the petition of sundry citizens of Edmonson county, praying the passage of a law authorizing the erection of a Mill Dam across Nolin creek, asked to be discharged from the further consideration thereof, which was granted.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill for the benefit of Caroline Ellis, and others.

By same—A bill for the benefit of the widow and heirs at law of Samuel Scott, deceased.

By Mr. Wallace, from the committee on Education—A bill to incorporate the Mayfield Presbyterial Seminary.

By same—A bill to amend an act establishing the Covington Commercial College.

By Mr. Bruce, from the committee on Internal Improvement—A bill to amend the charter of the Lebanon and Bradfordsville Turnpike Road Company.

By Mr. Bullock, from a select committee—A bill to incorporate the Ciceronian Society, of Shelby College.

By Mr. Irwin, from a select committee—A bill in relation to Magistrates' and Constables' districts in Logan county.

By same—A bill in relation to Magistrates' and Constables' districts in Christian county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the select committee to whom was referred a bill appropriating money to complete the improvement of the rivers and turnpike roads, and subscribing stock in railroads, and to submit the same to the people, and the amendments proposed thereto by the committee of the whole, reported the same, with an amendment, as a substitute for said bill and amendments.

Ordered, That said bill be made the special order of the day, in committee of the whole, for Friday, the 7th inst., and that the Public Printer print 150 copies of said substitute, for the use of the General Assembly.

Mr. Irwin, from a select committee, reported a bill further to provide for the collection of tolls on Kentucky, Green, and Barren rivers, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Chiles, from the committee on Finance, made the following report viz:

The committee on Finance, to whom was referred the report of the Commissioners of the Second Kentucky Lunatic Asylum, for the year 1850, have had the same under consideration, and beg leave to report—

That, from the facts set forth and contained in said document, it appears that all the appropriations heretofore made by the legislature, as well as subscriptions and donations by citizens and individuals to the Second Kentucky Lunatic Asylum, have been exhausted in the procurement of materials, and in payments made for work and labor bestowed in the erection of said buildings, and that the state is in debt to various contractors in the sum of $21,261 31, above the means heretofore provided for that purpose. It also appears, that the building is not yet under cover, or so far finished as to be secure from the injury and decay consequent upon exposure to weather; and that a further outlay of something like *nine thousand dollars*, will be requisite to advance it to such a state of completion as will afford it the desired security; and that *thirty-five thousand dollars*, according to the estimate of the commissioners, will be essential so to complete the building as to prepare it for the reception of patients.

The legislature is therefore asked for an appropriation of sixty-five thousand dollars to finish the great work which has been commenced, and has thus far progressed, under the auspices of state and individual patronage.

This *looks* like a large sum, and really is such; but, if the estimates with which we have been furnished are correct, or even approximate very nearly to correctness, a less sum than this will be insufficient for the carrying out of the designs of the projectors of this magnificent object of public benefaction.

There has been already appropriated, by three several acts of the general assembly of this commonwealth, the sum of eighty thousand dollars, towards this asylum—and yet we are informed the building is not "covered in." Shall we, then, let the property stand in its present unfinished, crumbling and decaying condition, exposed to every inclemency of the weather, and make no effort to complete it, and thus, in effect, throw away the vast sum heretofore expended? or shall we grant the assistance desired, or resort to some expedient still further to progress with or advance said work, as to make it, in *some* degree, at least, to answer the purposes contemplated in the inception of the enterprise?

The committee think it would be bad policy to stop the wheels of operation entirely, and therefore recommend such action as the legislature may deem most desirable for the completion (sooner or later) of the building.

The acts of the legislature heretofore passed in relation to this business, have vested in the commissioners very full and extended power, in carrying into effect and successfully prosecuting the work entrusted to them. Although the building has been laid out on a large scale, and the work has been prosecuted at a great expense to the commonwealth, we cannot say that the commissioners have transcended their powers or wasted the public treasure. We think the outlay is larger than was at first contemplated by those who favored the *projet* of the *new* institution; yet we find no restriction to the action of the commissioners, in the first bill which was passed by the legislature. A subsequent act placed the limit at seven thousand dollars; but it is alleged that, under the *first* act, and before this limit was interposed, the contracts have been made with various individuals, for brick, stone and wood work, and the procurement of materials; and, being bound by such contracts, good faith on the part of the state required that the same should be fulfilled. Such contracts having been made, as it is said, by the authorized agents of the commonwealth, who were unrestricted in their action as to any specified amount, except so far as to erect a building sufficient for the accommodation of three hundred inmates, it is argued that the faith of the state would have been violated, and the individual contractors, in all probability, would have been bankrupted in fortune, had such contracts been abandoned, and the work not prosecuted to its present state of completion. The committee is of opinion that, so far as any debt has been incurred by said commissioners, acting within the scope of their power and authority, it ought to be shouldered by the state without any hesitation whatever.

We therefore recommend the appropriation of thirty thousand dollars, to be paid as soon as the present crippled condition of our finances will allow. This, we understand, will free the institution from its present onerous burden of debt, will place the building under cover, and thus preserve it from injury and destruction. This, we understand, too, will relieve the commissioners from all the contracts respecting the work on said building; and, thus disenthralled of debt, and relieved of other embarrassments, a new state of things may be introduced, in the future progress of the work. We think that five thousand dollars annually expended, for a series of seven years, will accomplish this work entire, and enable the commissioners, each year, to finish portions of said building, and to re-

ceive a limited number of patients, and by the time specified, the whole fabric will be prepared, to the extent of its utmost capacity, for securing all the objects contemplated in its erection; and these smaller appropriations, annually expended, will be a relief to the treasury, more satifactory to the people of the commonwealth, and will, as we conceive, sufficiently facilitate the progress of the work for all useful and practical purposes, without proving a burden and oppression to our financial operations. We therefore recommend this annual appropriation as the most advisable course to be pursued under existing circumstances. If more favorable auspices should beam upon us hereafter, the legislature will have ample power to increase the expenditure, and give stronger impetus to the work, should the exigencies of the country demand it. From the report before us, we see an item of $1,200, paid to the *architect* for his services, and in the list of balances due, the further item of $300 to the same individual. From this and other proof before us, we learn that $1,500 is the annual salary allowed by said commissioners to the *architect*, for his labor and services as such.

It is the opinion of the committee, that this individual could very well be *spared*, and his services dispensed with, and respectfully recommend his dismissal from the employ of said commissioners, if the same can be done without detriment to the public interest. This architect is a man by the name of Kelly. He came well recommended to this state for his skill and competency in the vocation. But when we contrast the report of the commissioners with a report made by this gentleman to the committee on finance, at the last session of the legislature, we are compelled to distrust his qualifications for the station he is endeavoring to fill. From the report made by that committee, which is accompanied by his said letter, it will be seen that the appropriation of forty-five thousand dollars, made by the last legislature, so far as the action of the senate was involved, was predicated, upon an *estimate* made by him, of the amount that would be required to complete the building, so far as to put it under cover. His *estimate* fixes the amount at forty five thousand dollars! How has it turned out? The forty-five thousand dollars have been expended, and the building still requires the additional sum of thirty thousand dollars to roof it, or place it under cover. We could not expect an architect to tell *exactly* what amount it would require toroof a building after the work has progressed to a given extent; nor would it have been reasonable to expect of Mr. Kelly the *precise* sum that was necessary for the work to which his attention was called last winter. Had he missed the mark a few dollars, or a few hundred, or even a thousand or two, it need not have been wondered at; but a clear mistake of *thirty thousand*, in such a case, is rather too latitudinous to leave any room to believe the *architect* was very skillful in his calling.

If the several sums herein recommended, be appropriated, there will then have been appropriated, in the whole, the sum of one hundred and forty-five thousand dollars towards said asylum. As to the *necessity* of said asylum, or a speedy completion thereof, we are not called upon to express an opinion; but respectfully beg leave to call the attention of the legislature particularly thereto. It may possibly turn out, upon such investigation, or inquiry, that the relief herein recommended will be too tardy in its nature, and not be *best* calculated to promote the benevolent

designs contemplated in the projection of this institution. In that event, it might be the better policy to adopt some other expedient.

We would say, in conclusion, that from the evidence before the committee, the work thus far executed upon said buildings, is of the very best kind, and all the materials employed, of the most durable and substantial character; and the work, when completed, will be a proud monument of state liberality. We recommend the passage of the bill herewith filed.

All of which is respectfully submitted.

WALTER CHILES, *Chairman.*

Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

Mr. Chiles, from the same committee, reported a bill for the payment of the debts now due, and for the further prosecution of the work on the Second Kentucky Lunatic Asylum, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order of the day, in committee of the whole, for Wednesday, the 5th inst., and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Bruce, from the committee on Internal Improvement, read and laid on the table the following resolutions, viz:

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the public lands of the United States, by whatsoever mode acquired, are held in trust by congress for the common benefit of the people of the whole Union, and ought, therefore, to be so disposed of as equitably and practically to promote that end.

2. *Resolved*, That Kentucky has cheerfully contributed her full proportion of treasure and blood for the acquisition of the public domain of the Union, albeit she has never received an acre thereof by grant of congress.

3. *Resolved*, That the policy of granting the public lands to the states in which they lie, is unjust to the other states whose blood and treasure were equally poured out for their acquisition: and that the state of Kentucky hereby firmly and decisively protests against the adoption of such policy, and demands an equal or proportionate share of advantage from whatever policy congress may adopt for disposing of said lands.

4. *Resolved*, That the several states of the Union ought to be placed on a footing of equality, according to their respective federal populations, as to the disposition of said lands; and, therefore, that Kentucky is entitled to a share of them proportionately to the amount of them already granted, or which may hereafter be granted, to the most favored states.

5. *Resolved*, That congress having exercised the power of aiding great public improvements, of national importance, by grants of lands to the states in which they are projected and constructed, it is due to the rights and interests of Kentucky, as well as of the other states, to assert before the Union, that other improvements, equally of national importance, and

equally worthy of the aid of congress, are in progress through the state of Kentucky, looking to the establishment of great facilities of transport and travel, by direct, short, and cheap lines of conveyance, between Kentucky and all other sections of the Union, linking together all the systems of improvement necessary to complete the great chains of national intercommunication essential to the wants, not only of Kentucky, but of the Union; and that congress ought to grant to Kentucky, in aid of these improvements, an amount of lands proportionately equal to the amount already granted to any other state.

6. *Resolved*, That the governor be requested to communicate these resolutions to the senators and representatives of Kentucky in the congress of the United States.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said resolutions were taken up.

Ordered, That said resolutions be made the special order of the day for Saturday, the 8th, inst., and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Graves read and laid on the table the following preamble and resolutions, viz:

Whereas, in the opinion of the general assembly of the commonwealth of Kentucky, it is the duty of the congress of the United States to give encouragement and protection to the agricultural and manufacturing interest of our own country, by preferring and protecting all such articles, the growth and manufacture of the same; none of which deserve more the fostering care of the general government than the articles of hemp and cotton bagging, which are important to the prosperity of the citizens of this commonwealth, and cannot be maintained under the present principle of *ad valorem* duties, which not only fails to protect the interest, but opens wide the door to corruption and fraud upon the revenue of the nation. Therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the doctrines and arguments contained in the late annual message of Millard Fillmore, President of the United States, on the subject of the tariff, meet our cordial approbation, and we hope to see them carried out by proper legislation in congress.

2. *Resolved*, That we are the advocates of a tariff to promote and protect all articles, the growth or manufacture of the United States, so far as to give our citizens an advantageous competition in their production or manufacture; and that our senators and representative in congress be and they are hereby instructed and requested to use their best exertions to restore the tariff of 1842, thereby carrying out the views of the president of the United States and the known wishes of the people of Kentucky upon that subject.

3. *Resolved*, That the governor be and he is hereby respectfully requested to transmit a copy of the foregoing preamble and resolutions to each of our senators and representatives in congress.

The rule of the Senate requiring a joint resolution to lie one day on the table being dispensed with, said preamble and resolutions were taken up.

Ordered, That said preamble and resolutions be made the special order of the day for Saturday, the 8th inst., and that the Public Printer print 150 copies thereof for the use of the General Assembly.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, FEB. 1, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent,

Nimrod Harris, to be Sheriff of Mercer county, in the place of James Morgan, resigned.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Thomas L. Garrard, of Pendleton county.

An act for the benefit of the Sheriff of Knox county.

An act to amend the charter of the Lexington, Frankfort, and Versailles Turnpike Road Company.

An act for the benefit of the Sheriff of Taylor county.

An act for the benefit of the Sheriff of Bath county.

An act for the benefit of the Sheriff of Rockcastle county.

An act in relation to the Magistrates' and Constables' districts in Grant county.

An act for the benefit of Wm. C. Halbert, Sheriff of Lewis county.

An act to amend an act, entitled, an act to incorporate certain Turnpike Road Companies in Montgomery county, and for other purposes, approved March 5, 1850.

An act to revive the charter of the Burlington and Dry Creek Turnpike Road Company.

An act to amend the acts incorporating the Fire Department of the city of Louisville.

An act for the benefit of the Sheriff of Kenton county.

An act to incorporate the Farmers' Turnpike Road Company.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Finnell, Secretary

of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act in relation to Magistrates' and Constables' Districts in Henry and Laurel counties.

An act to authorize the county of Fayette and city of Lexington to subscribe stock in Railroad Companies.

An act to incorporate Wayne Lodge, No. 119, of Free and Accepted Masons. Approved January 30, 1851.

The Senate, according to order, took up for consideration a bill to incorporate the Louisville and Mississippi River Railroad Company.

Said bill was amended.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended, by adding after "Mississippi" the words "or Ohio."

The Senate, according to order, took up for consideration the bill for the benefit of Common Schools, and the amendment, as a substitute therefor, proposed by the committee on the Judiciary.

Mr Bullock moved to postpone the further consideration of said bill and amendment for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bruce and Young, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Camden Riley,
James P. Barbour,	William N. Marshall,	Robert S. Russell,
William C. Bullock,	Daniel Morgan,	James M. Shepard,
Walter Chiles,	Robert A. Patterson,	William Sterett,
Sam. Daviess Delany,	Hamilton Pope,	Caleb B. Wallace—16.
John Eaker,		

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	Thomas Rouse,
Camden M. Ballard,	Alfred Johnston,	Nathaniel P. Saunders,
John P. Bruce,	John C. Kouns,	Berry Smith,
Joshua Buster,	Thomas P. Linthicum,	Thomas J. Smith,
Abijah Gilbert,	Beriah Magoffin,	Thomas I. Young—17.
James W. Hays,	John W. Ritter,	

Mr. Magoffin moved an amendment to the amendment proposed by the committee.

And then the Senate adjourned.

MONDAY, FEBRUARY 3, 1851.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills, which originated in that House, of the following titles, viz:

An act declaring Little Sandy navigable to the mouth of Laurel creek, in Morgan county.

An act to amend an act to incorporate the town of Mayslick, in Mason county, approved February 21, 1837.

An act to incorporate the Richmond and Irvine Plank Road Company.

An act to regulate the sale of the estate of persons of unsound mind.

An act for the benefit of the Estill Seminary.

An act for the benefit of Robert Kinkead.

An act to incorporate the Mount Zion Cumberland Presbyterian Church, in Henderson county.

An act for the benefit of Horatio Fields, the son of Thomas I. Fields, of Bath county.

An act to amend the charter of the city of Augusta.

An act for the benefit of the heirs of James G. Hazelrigg, deceased.

An act disposing of the vacant lands in Floyd county.

An act to incorporate the Liberty and Hustonville Turnpike Road Company.

An act to incorporate the Mayslick and Sardis Turnpike Road Company.

An act to repeal an act establishing a Police Court in the town of Hardinsburg.

An act for the benefit of School District, No. 29, in Owen county.

An act to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company.

An act to legalize an order of the Fulton County Court in changing a road.

An act for the benefit of the Sheriff of Grant county.

An act to incorporate the town of Clementsburg, in Crittenden county.

An act to legalize an order of the Hickman County Court, appointing an agent to sell Seminary lands.

An act to extend the provisions of an act, entitled, an act regulating the price of taking up boats on the Ohio river, approved January 29, 1829, to Big Sandy.

An act to authorize taxation to build a School House in District, No. 25, in Lewis county.

An act to amend an act, entitled, an act to incorporate the several Masonic Institutions of the city of Louisville.

An act to incorporate Harvey McGuire Lodge, No. 209, of Free and Accepted Masons.

Approved January 25, 1851.

An act to amend an act in relation to the Seminary lands of Lewis county.

An act for the benefit of William Gracy.

Approved January 30, 1851.

That they had disagreed to a bill from the Senate, entitled,

An act for the benefit of certain School Districts in this State.

That they had passed bills from the Senate, of the following titles, viz:

An act to prevent the close shaving of the heads of convicts in the Penitentiary.

An act to incorporate the Breckinridge Savings Bank.

An act to incorporate the Hopkinsville Baptist Female Institute.

An act requiring the Assessors of Tax to return the names and Post Offices of the Deaf and Dumb children in the several counties.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act to authorize the erection of a monument to the memory of Col. Richard M. Johnson.

An act to incorporate the Kentucky Savings Bank, at Louisville.

An act for the benefit of Common Shools in Hart county, and for the benefit of Common School Districts, Nos. 33, Casey county; 20, Fulton county; 11, Bath county; 19 and 26, Owen county; 6, Clay county; 13, Johnson county; 36, Graves county; 28, Washington county; and two districts in Henry county.

An act to amend the Common School laws.

An act to incorporate the Lexington Savings Institution.

An act to change a part of the State road from Canton to Hickman.

An act to incorporate the Peach Orchard Coal Company.

An act to create two additional Magistrates' and Constables' districts in Oldham county.

An act giving to the Clerk of the McCracken Circuit and County Courts further time to collect his fee bills.

An act to incorporate the Lexington Division, No. 28, Sons of Temperance.

An act for the benefit of the Justices of the Hickman County Court.

An act to re-organize and regulate the office of Police Judge in the town of Hickman.

1. Mr. Kouns presented the proceedings of a meeting of the citizens of Greenup county, in relation to an amendment of the charter of the Southern Bank.

2. Mr. Patterson presented the petition of sundry citizens of the town of Paducah, praying the passage of a law to authorize said town to subscribe thirty thousand dollars of stock in a Plank Road leading to the Tennessee State line, and for fifteen thousand dollars stock in the Duck River Slackwater Navigation Company, and to issue town bonds in payment thereof.

3. Mr. Wallace presented the petition of sundry citizens of Boyle county, praying the passage of a law to exempt free negroes from the tax imposed for the support of Common Schools.

4. Mr. Wallace also presented the petition of sundry citizens of Boyle county, praying the passage of a law appropriating five thousand dollars, for five years, to aid in colonizing the free negroes of this State, in Liberia.

5. Mr. B. Smith presented the petition of sundry citizens of Pulaski county, praying the passage of a law allowing an additional Magistrates' and Constables' district in said county.

Which petitions were received, the readings dispensed with, and referred—the 1st to the committee on Banks; the 2d to the committee on Internal Improvement; the 3d to the committee on Finance; the 4th to Messrs. Bullock, Wallace, Magoffin, Graves, Pope, and Irwin; and the 5th to Messrs. B. Smith, Bruce, and Irwin.

The Senate resumed the consideration of the motion of Mr. O. P. Hogan to print, for the use of the Senate, 150 copies of the special report of the Superintendent of Public Instruction, made to the Senate on the 31st of January.

Mr. Magoffin moved to print 3,000 copies of said report for the use of the Senate.

Mr. Chiles moved to print 4,500 copies of said report.

And the question being taken on printing 4,500 copies of said report, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Eaker and Wallace, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Alfred Johnston,	Nathaniel P. Saunders,
John P. Bruce,	John C. Kouns,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas J. Smith,
Abijah Gilbert,	Robert A. Patterson,	Thomas I. Young—16.
Elihu Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Camden Riley,
Hall Anderson,	James W. Irwin,	John W. Ritter,
James P. Barbour,	John W. Leathers,	Thomas Rouse,
William C. Bullock,	William N. Marshall,	Robert S. Russell,
Joshua Buster,	Fitch Munger,	William Sterett,
John Eaker,	Hamilton Pope,	Caleb B. Wallace—18.

The question was then taken on printing 3,000 copies of said report, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Magoffin and Wallace, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Alfred Johnston,	Robert A. Patterson,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Walter Chiles,	Thomas P. Linthicum,	James M. Shepard,
Sam. Daviess Delany,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	Wm. N. Marshall,	Thomas J. Smith,
Elihu Hogan,	Fitch Munger,	Thomas I. Young—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	John W. Ritter,
Hall Anderson,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	John W. Leathers,	Robert S. Russell,
Wm. C. Bullock,	Hamilton Pope,	William Sterett,
Joshua Buster,	Camden Riley,	Caleb B. Wallace—16.
John Eaker,		

Mr. Barbour moved the following resolution, viz:

Resolved, That the Public Printer print, for the use of the Senate, 2,850 copies of the late special message of the Executive in relation to the liability of the Sinking Fund for the interest on the School bonds.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barbour and Russell, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Camden Riley,
James P. Barbour,	Daniel Morgan,	John W. Ritter,
John Eaker,	Fitch Munger,	Robert S. Russell,
James W. Hays,	Robert A. Patterson,	James M. Shepard,
Elihu Hogan,	Hamilton Pope,	William Sterett—16.
John W. Leathers,		

Those who voted in the negative, were

Hall Anderson,	Abijah Gilbert,	Thomas Rouse,
Camden M. Ballard,	James W. Irwin,	Nathaniel P. Saunders,
John P. Bruce,	Alfred Johnston,	Berry Smith,
William C. Bullock,	John C. Kouns,	Thomas J. Smith,
Joshua Buster,	Thomas P. Linthicum,	Caleb B. Wallace,
Walter Chiles,	William N. Marshall,	Thomas I. Young—19.
Sam. Daviess Delany,		

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act to incorporate the Peach Orchard Coal Company.

An act to create two additional Magistrates' and Constables' districts in Oldham county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last was amended,

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, (the last as amended,) and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Wallace, from the committee on Education—A bill for the benefit of the Board of Trustees of Common Schools for the city of Covington.

By Mr. B. Smith, from a select committee—A bill to allow an additional Magistrates' and Constables' district in Pulaski county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Barbour—1. A bill to amend the charter of the Lebanon and Perryville Turnpike Road Company.

On motion of Mr. Munger—2. A bill for the benefit of John G. Parks, Clerk of the Nicholas County Court.

On motion of Mr. T. J. Smith—3. A bill to amend the charter of the Bowlinggreen and Tennessee Railroad Company.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d; and Messrs. T. J. Smith, Irwin, and Hays, were appointed a committee to prepare and bring in the 3d.

The Senate resumed the consideration of the bill for the benefit of Common Schools, and the amendments proposed thereto:

And after some discussion had thereon, the Senate adjourned.

TUESDAY, FEBRUARY 4, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled,

An act in relation to Magistrates' and Constables' districts in Christian county.

That they had passed a bill, entitled,

An act toestablish District, No. 7, in the county of Laurel, and for other purposes.

Mr. Irwin, from the committee on the Judiciary, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to incorporate the South Elkhorn and Midway Turnpike Road Company.

An act to incorporate the New Liberty and Kentucky River Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Leathers, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to regulate tolls on Turnpike roads in Kenton county, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Chiles, from a select committee—A bill to provide for the interment of the remains of the Kentuckians who fell at Raisin.

By Mr. Bruce, from the committee on Internal Improvement—A bill to amend the charter of the Lebanon and Perryville Turnpike Road Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to incorporate the Lexington Savings Institution, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration the motion made by Mr. E. Hogan, to reconsider the vote by which a bill from the House of Representatives, entitled, an act to establish twelve Judicial Circuit districts, and the amendments proposed thereto, were referred to the committee on Circuit Courts, with instructions to report on this day at 10 o'clock.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Young, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Nathaniel P. Saunders,
Camden M. Ballard,	William N. Marshall,	Berry Smith,
James P. Barbour,	Fitch Munger,	Thomas J. Smith,
Joshua Buster,	Hamilton Pope,	William Sterett,
James W. Hays,	Camden Riley,	Caleb B. Wallace,
Elihu Hogan,	John W. Ritter,	Thomas I. Young—19.
James W. Irwin,		

Those who voted in the negative, were

Hall Anderson,	Abijah Gilbert,	Thomas P. Linthicum,
John P. Bruce,	Overton P. Hogan,	Daniel Morgan,
William C. Bullock,	Alfred Johnston,	Robert A. Patterson,
Walter Chiles,	John C. Kouns,	Thomas Rouse,
Sam. Daviess Delany,	John W. Leathers,	James M. Shepard—16.
John Eaker,		

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judicial Districts for Circuit Courts in this Commonwealth shall be composed of the counties, as follows, viz:

The first district, of the counties of Fulton, Hickman, McCracken, Graves, Calloway, Marshall, Livingston, Crittenden, and Ballard.

The second district, of the counties of Caldwell, Trigg, Christian, Todd, Hopkins, Union, and Henderson.

The third district, of the counties of Daviess, Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, Muhlenburg, and Larue.

The fourth district, of the counties of Butler, Logan, Simpson, Allen, Monroe, Barren, Hart, Edmonson and Warren.

The fifth district, of the counties of Cumberland, Clinton, Wayne, Pulaski, Casey, Lincoln, Taylor, Green, Adair, and Russell.

The sixth district, of the counties of Bullitt, Jefferson, Spencer, and Shelby.

The seventh district, of the counties of Nelson, Washington, Marion, Mercer, Boyle, Garrard, and Anderson.

The eighth district of the counties of Oldham, Henry, Trimble, Carroll, Owen, Gallatin, Boone, Grant, and Kenton.

The ninth district, of the counties of Campbell, Pendleton, Mason, Bracken, Nicholas, Harrison, Bourbon, and Scott.

The tenth district, of the counties of Bath, Fleming, Lewis, Greenup, Carter, Lawrence, Montgomery, and Morgan.

The eleventh district, of the counties of Franklin, Woodford, Jessamine, Fayette, Madison, Estill, and Clarke.

The twelfth district, of the counties of Knox, Rockcastle, Harlan, Laurel, Whitley, Clay, Perry, Owsley, Letcher, Breathitt, Floyd, Pike, and Johnson.

The amendment moved by Mr. Irwin, is to strike out all after the enacting clause, and insert in lieu thereof the following, viz:

That the Judicial Districts for Circuit Courts in this Commonwealth, shall be composed of the counties, as follows, to-wit:

The first district, of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Marshall, Calloway, and Livingston.

The second district, of the counties of Trigg, Caldwell, Union, Christian, Hopkins, Henderson, and Crittenden.

The third district, of the counties of Todd, Logan, Muhlenburg, Butler, Warren, Simpson, Allen, Edmonson, and Hart.

The fourth district, of the counties of Hancock, Ohio, Breckinridge, Meade, Grayson, Hardin, Larue, Nelson, and Daviess.

The fifth district, of the counties of Barren, Monroe, Cumberland, Clinton, Green, Adair, Casey, Russell, Wayne, and Taylor.

The sixth district, of the counties of Jefferson, Shelby, Bullitt, and Spencer.

The seventh district, of the counties of Madison, Estill, Garrard, Mercer, Lincoln, Boyle, Washington, Marion, and Anderson.

The eighth district, of the counties of Fayette, Clarke, Bourbon, Scott, Woodford, Jessamine, and Franklin.

The ninth district, of the counties of Kenton, Boone, Grant, Carroll, Owen, Trimble, Henry, Oldham, and Gallatin.

The tenth district, of the counties of Mason, Bracken, Lewis, Greenup, Pendleton, Campbell, Nicholas, and Harrison.

The eleventh district, of the counties of Pulaski, Knox, Rockcastle, Harlan, Laurel, Whitley, Clay, Perry, Owsley, and Letcher.

The twelfth district, of the counties of Montgomery, Fleming, Bath, Carter, Lawrence, Morgan, Johnson, Pike, Floyd, and Breathitt.

The amendment moved by Mr. O. P. Hogan, is to substitute in lieu of the amendment of Mr. Irwin, the following, viz:

That the Judicial Districts for Circuit Courts in this Commonwealth shall be composed of the counties, as follows, viz:

The first district, of the counties of Johnson, Floyd, Pike, Letcher, Perry, Breathitt, Owsley, Clay, Knox, Harlan, Whitley, and Laurel.

The second district, of the counties of Morgan, Montgomery, Clarke, Bath, Estill, Fleming, Carter, Greenup, Lawrence, and Lewis.

The third district, of the counties of Mason, Bracken, Nicholas, Bourbon, Fayette, and Madison.

The fourth district, of the counties of Harrison, Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, and Grant.

The fifth district, of the counties of Owen, Scott, Franklin, Jessamine, Woodford, Anderson, and Shelby.

The sixth district, of the counties of Jefferson, Oldham, Trimble, and Henry.

The seventh district, of the counties of Mercer, Boyle, Garrard, Lincoln, Casey, Rockcastle, Pulaski, and Wayne.

The eighth district, of the counties of Spencer, Washington, Marion, Nelson, Green, Taylor, Larue, Bullitt, and Hardin.

The ninth district, of the counties of Adair, Russell, Cumberland, Clinton, Monroe, Barren, Hart, Edmonson, Warren, Allen, and Simpson.

The tenth district, of the counties of Todd, Logan, Butler, Muhlenburg, Daviess, Ohio, Hancock, Breckinridge, Meade, and Grayson.

The eleventh district, of the counties of Trigg, Caldwell, Union, Henderson, Hopkins, Christian, and Crittenden.

The twelfth district, of the counties of Fulton, Hickman, Balard, McCracken, Graves, Calloway, Marshall, and Livingston.

Mr. E. Hogan moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. Hogan and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, (Grey,)	William N. Marshall,	James M. Shepard,
Camden M. Ballard,	Fitch Munger,	Berry Smith,
James P. Barbour,	Hamilton Pope,	Thomas J. Smith
Joshua Buster,	Camden Riley,	William Sterett,
James W. Hays,	John W. Ritter,	Caleb B. Wallace
Elihu Hogan,	Nathaniel P. Saunders,	Thomas I. Young—19.
James W. Irwin,		

Those who voted in the negative, were—

Hall Anderson,	Abijah Gilbert,	Thomas P. Linthicum,
John P. Bruce,	Overton P. Hogan,	Beriah Magoffin,
William C. Bullock,	Alfred Johnston,	Daniel Morgan,
Walter Chiles,	John C. Kouns,	Robert A. Patterson,
Sam. Daviess Delany,	John W. Leathers,	Thomas Rouse—16.
John Eaker,		

The main question was then put—"shall the amendment of Mr. O. P. Hogan be adopted as a substitute for the amendment of Mr. Irwin?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John Eaker,	Thomas P. Linthicum,
John P. Bruce,	Abijah Gilbert,	Daniel Morgan,
William C. Bullock,	Overton P. Hogan,	Robert A. Patterson,
Walter Chiles,	Alfred Johnston,	Berry Smith—14.
Sam. Daviess Delany,	John W. Leathers,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Thomas Rouse,
Camden M. Ballard,	Beriah Magoffin,	Nathaniel P. Saunders,
James P. Barbour,	William N. Marshall,	James M. Shepard,
Joshua Buster,	Fitch Munger,	Thomas J. Smith,
James W. Hays,	Hamilton Pope,	William Sterett,
Elihu Hogan,	Camden Riley,	Caleb B. Wallace,
James W. Irwin,	John W. Ritter,	Thomas I. Young—21.

The question was then taken—"shall the amendment of Mr. Irwin be adopted?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bruce and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Robert A. Patterson,
John P. Bruce,	Alfred Johnston,	James M. Shepard,
William C. Bullock,	John C. Kouns,	Berry Smith,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith,
John Eaker,	Thomas P. Linthicum,	Thomas I. Young—16.
Abijah Gilbert,		

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	Beriah Magoffin,	Thomas Rouse,
James P. Barbour,	William N. Marshall,	Robert S. Russell,
Joshua Buster,	Daniel Morgan,	Nathaniel P. Saunders,
Walter Chiles,	Fitch Munger,	William Sterret,
James W. Hays,	Hamilton Pope,	Caleb B. Wallace—20.
Elihu Hogan,	Camden Riley,	

The question was then taken—"shall said bill be read a third time?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. T. J. Smith and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Beriah Magoffin,	Robert S. Russell,
Camden M. Balland,	Wm. N. Marshall,	Nathaniel P. Saunders,
James P. Barbour,	Fitch Munger,	Berry Smith,
Joshua Buster,	Hamilton Pope,	Thomas J. Smith,
Richard C. Graves,	Camden Riley,	William Sterret,
James W. Hays,	John W. Ritter,	Caleb B. Wallace,
Elihu Hogan,	Thomas Rouse,	Thomas I. Young—22.
James W. Irwin,		

Those who voted in the negative, were—

Hall Anderson,	John Eaker,	John W. Leathers,
John P. Bruce,	Abijah Gilbert,	Thomas P. Linthicum,
Wm. C, Bullock,	Overton P. Hogan,	Daniel Morgan,
Walter Chiles,	Alfred Johnson,	Robert A. Patterson,
Sam. Daviess Delany,	John C. Kouns,	James M. Shepard—15.

Mr. Patterson moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative—(four fifths not voting therefor.)

The yeas and nays being required thereon by Messrs. Patterson Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Thomas P. Linthicum,	Robert S. Russell,
Camden M. Ballard,	William N. Marshall,	Nathaniel P. Saunders,
James P. Barbour,	Fitch Munger,	Berry Smith,
Joshua Buster,	Hamilton Pope,	Thomas J. Smith,
Richard C. Graves,	Camden Riley,	William Sterett,
James W. Hays,	John W. Ritter,	Caleb B. Wallace,
Elihu Hogan,	Thomas Rouse,	Thomas I. Young—22.
James W. Irwin,		

Those who voted in the negative, were

Hall Anderson,	John Eaker,	John W. Leathers,
John P. Bruce,	Abijah Gilbert,	Beriah Magoffin,
William C. Bullock,	Overton P. Hogan,	Daniel Morgan,
Walter Chiles,	Alfred Johnston,	Robert A. Patterson,
Sam. Daviess Delany,	John C. Kouns,	James M. Shepard—15.

Mr. Hays moved that said bill have its third reading on to-morrow at 10 o'clock.

Which motion the Speaker decided in order, and that it required only *a majority* to sustain said motion.

Mr. Bruce appealed from the decision of the Chair.

Mr. Irwin moved to lay said appeal on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Hays, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	James W. Irwin,	John W. Ritter,
James P. Barbour,	Beriah Magoffin,	Thomas Rouse,
Joshua Buster,	William N. Marshall,	Robert S. Russell,
Richard C. Graves,	Daniel Morgan,	Berry Smith,
James W. Hays,	Fitch Munger,	William Sterett,
Elihu Hogan,	Hamilton Pope,	Caleb B. Wallace,
Overton P. Hogan,	Camden Riley,	Thomas I. Young—21.

Those who voted in the negative, were

Hall Anderson,	John Eaker,	Thomas P. Linthicum,
John P. Bruce,	Abijah Gilbert,	Robert A. Patterson,
William C. Bullock,	Alfred Johnston,	Nathaniel P. Saunders,
Walter Chiles,	John C. Kouns,	James M. Shepard,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith—15.

Mr. O. P. Hogan moved that said bill have its third reading on Thursday, at 10 o'clock.

Mr. Irwin moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Thomas Rouse,
Camden M. Ballard,	Beriah Magoffin,	Robert S. Russell,
James P. Barbour,	Wm. N. Marshall,	Berry Smith,
Joshua Buster,	Hamilton Pope,	William Sterett,
Richard C. Graves,	Camden Riley,	Caleb B. Wallace,
James W. Hays,	John W. Ritter,	Thomas I. Young—19.
Elihu Hogan,		

Those who voted in the negative, were

Hall Anderson,	Abijah Gilbert,	Daniel Morgan,
John P. Bruce,	Overton P. Hogan,	Fitch Munger,
Wm. C. Bullock,	Alfred Johnston,	Robert A. Patterson,
Walter Chiles,	John C. Kouns,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John W. Leathers,	James M. Shepard,
John Eaker,	Thomas P. Linthicum,	Thomas J. Smith—18.

The main question was then put—"shall said bill have its third reading on Thursday, at 10 o'clock?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ritter and Hays, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Robert S. Russell,
Camden M. Ballard,	William N. Marshall,	Nathaniel P. Saunders,
James P. Barbour,	Fitch Munger,	Berry Smith,
Joshua Buster,	Robert A. Patterson,	Thomas J. Smith,
Richard C. Graves,	Hamilton Pope,	William Sterett,
James W. Hays,	Camden Riley,	Caleb B. Wallace
Elihu Hogan,	John W. Ritter,	Thomas I. Young—23.
James W. Irwin,	Thomas Rouse,	

Those who voted in the negative, were

Hall Anderson,	John Eaker,	John W. Leathers,
John P. Bruce,	Abijah Gilbert,	Thomas P. Linthicum,
William C. Bullock,	Overton P. Hogan,	Daniel Morgan,
Walter Chiles,	Alfred Johnston,	James M. Shepard—14.
Sam. Daviess Delany,	John C. Kouns,	

The Senate resumed the consideration of the bill for the benefit of Common Schools.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the commissioners of the sinking fund shall be, and they are hereby directed to pay out of the proceeds of that fund, into the state treasury, to the credit of the board of education, the semi-annual interest, as it shall fall due upon the bonds of the state of Kentucky now held, or which may at any time hereafter be held by the board of education: *Provided, however*, that the payments required by this section shall not be made by the commissioners of the sinking fund, except out of such resources of said fund as shall remain, from half year to half year, after the semi-annual interest on the bonds of the state of Kentucky, now outstanding, other than bonds of the board of education, shall have been paid.

§ 2. That whatever balance of interest upon the bonds of the state, held by the board of education, shall remain unpaid by the commissioners of the sinking fund, from half year to half year, shall be paid out of the ordinary revenue of the state, as far and as fast as the condition of the treasury will, from time to time, permit.

§ 3. That the board of education shall be, and they are hereby authorized and directed to invest, as permanent funds, for the use and in the name of the said board, all the surplus funds, from whatever source appropriated by law, to the cause of common schools and general education, that may remain in the state treasury after defraying all the expenses of the school system from year to year, or oftener, at the discretion of the board of education; and it shall be the duty of said board to invest these surpluses in the bonds of the state of Kentucky now outstanding, whenever they can be done on as good terms as other equally safe and profitable investments, the preference being always given to said state bonds, in said investments.

§ 4. That the payment by the commissioners of the sinking fund, into the state treasury, of 33,506 75, on the 1st July, 1850, to the credit of the board of education, in pursuance of an act approved March 1, 1850, be and the same is hereby legalized, and shall be applied in aid of common schools taught in 1850.

The amendment reported by the committee on the Judiciary, as a substitute for said bill, is as follows, viz:

Whereas, their exists a difference between the executive and board of commissioners of the sinking fund on the one side, and the superintendent of public instruction on the other, relating to the liability of the sinking fund to pay the interest on the bonds of the state and duplicates of bonds held by the board of education; and, in the event the executive and commissioners of the sinking fund are right in their construction of the constitution, there is a deficit in the treasury to meet the current demands upon the treasury. Wherefore,

§ 1 *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the governor be and he is hereby authorized and directed to effect a temporary loan for and on the behalf, and in the name of this commonwealth, of a sum equal to the payment of the interest on the education

bonds for January, 1851, and July, 1851; and, in the event he shall be unable to effect such loan, he is hereby directed to cause to be issued the bonds of this commonwealth, bearing an interest at the rate of six per centum per annum, the interest payable half yearly, in the city of New York, and the principal payable at the expiration of 30 years in said city, but redeemable at the pleasure of the commonwealth, after 15 years from their date.

§ 2. That when issued, the governor shall deliver such bonds over to the superintendent of public instruction, in satisfaction of the interest on said bonds for the period aforesaid, whose duty it shall be to sell said bonds at not less than their par or nominal value; the proceeds of which shall be placed in the treasury, to the credit of the school fund, and distributed for school purposes according to law and the constitution.

§ 3. That with a view to have the question of the liability of the sinking fund to pay the interest of the education bonds judicially settled, the board of education, in their corporate name and style, shall sue out a writ of mandamus from the judge of the Franklin circuit court, against the board of commissioners of the sinking fund, in their corporate name, which may be served upon one or all of them, returnable before the said judge of the Franklin circuit court, who shall hear the same, and, on hearing, he shall determine the liability, and adjudge the same; and from his determination and judgment an appeal or writ of error shall be prosecuted, by either board, to the appellate court, with a view to a decision by that court, in the last resort.

§ 4. That if the judgment of the court shall be against the board of commissioners of the sinking fund, they shall, and are hereby directed, to pay the loan created as aforesaid by this act, out of the proceeds of the sinking fund in their hands or on deposit.

Mr. Magoffin moved to amend said amendment, by substituting in lieu thereof, the following, viz:

Whereas, doubts are entertained in regard to the liability of the sinking fund for the payment of the principal and the interest of the school fund: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sinking fund is liable to the payment of the principal and the interest of the common school fund; and the commissioners of the sinking fund are hereby directed to pay, as heretofore, the interest on the school fund, out of any moneys in their hands belonging to said sinking fund, in execution of "an act to provide for the payment and investment of the interest of the bonds of the state of Kentucky, held by the board of education, &c., &c," approved March 1, 1850.

And the question being taken on the adoption of said amendment, in lieu of the amendment reported by the committee, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and B. Smith, were as follows, viz:

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Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Robert A. Patterson,
Camden M. Ballard,	Overton P. Hogan,	Camden Riley,
James P. Barbour,	James W. Irwin,	Thomas Rouse,
John P. Bruce,	Alfred Johnson,	Nathaniel P. Saunders,
Wlliam C. Bullock,	John C. Kouns,	James M. Shepard,
Joshua Buster,	John W. Leathers,	Berry Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	Thomas J. Smith,
Abijah Gilbert,	Beriah Magoffin,	Caleb B. Wallace,
Richard C. Graves,	Wm. N. Marshall,	Thomas I. Young—27.

Those who voted in the negative, were—

Mr. Speaker (Grey,)	Daniel Morgan,	John W. Ritter,
John Eaker,	Fitch Munger,	Robert S. Russell,
James W. Hays,	Hamilton Pope,	William Sterret—9.

Mr. Hays moved to amend said amendment, as amended, by adding thereto the following, viz:

§ 2. That should the commissioners of the sinking fund fail or refuse to pay, out of the proceeds of that fund, into the state treasury, to the credit of the board of education, the semi-annual interest as it shall fall due upon the bonds of the state of Kentucky, now held, or which may at any time hereafter be held by the board of education, as hereinbefore provided, then the governor is hereby authorized and directed to effect a temporary loan, for and on behalf and in the name of the commonwealth, of a sum equal to the payment of the interest on the education bonds for January, 1851, and July, 1851; which sum, so borrowed, shall be placed in the treasury, to the credit of the school fund, and distributed for school purposes according to law and the constitution.

§ 3. That with a view to have the question of the liability of the sinking fund to pay the interest of the education bonds judicially settled, the board of education, in their corporate name and style, shall sue out a writ of mandamus from the judge of the Franklin circuit court, against the board of commissioners of the sinking fund, in their corporate name, which may be served upon one or all of them, returnable before the said judge of the Franklin circuit court, who shall hear the same, and, on hearing, he shall determine the liability, and adjudge the same; and from his determination and judgment an appeal or writ of error shall be prosecuted, by either board, to the appellate court, with a view to a decision by that court, in the last resort.

§ 4. That if the judgment of the court shall be against the board of commissioners of the sinking fund, they shall, and are hereby directed, to pay the loan created as aforesaid by this act, out of the proceeds of the sinking fund in their hands or on deposit.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hays and Pope, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Fitch Munger,	Robert S. Russell,
William C. Bullock,	Hamilton Pope,	James M. Shepard,
James W. Hays,	John W. Ritter,	William Sterret—10.
Daniel Morgan,		

Those who voted in the negative, were—

Hall Anderson, Camden M. Ballard, James P. Barbour, John P. Bruce, Joshua Buster, Sam. Daviess Delany, John Eaker, Abijah Gilbert, Richard C. Graves, Elihu Hogan, Overton P. Hogan, James W. Irwin, Alfred Johnston, John C. Kouns, John W. Leathers, Thomas P. Linthicum, Beriah Magoffin, William N. Marshall, Robert A. Patterson, Camden Riley, Thomas Rouse, Nathaniel P. Saunders, Berry Smith, Thomas J. Smith, Caleb B. Wallace, Thomas I. Young—26.

The question was then taken on the adoption of said amendment, as amended, in lieu of the original bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Young, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson, Camden M. Ballard, John P. Bruce, William C. Bullock, Joshua Buster, Sam. Daviess Delany, Abijah Gilbert, Richard C. Graves, James W. Hays, Elihu Hogan, Overton P. Hogan, James W. Irwin, Alfred Johnston, John C. Kouns, John W. Leathers, Thomas P. Linthicum, Beriah Magoffin, William N. Marshall, Daniel Morgan, Robert A. Patterson, Camden Riley, Thomas Rouse, Robert S. Russell, Nathaniel P. Saunders, Berry Smith, Thomas J. Smith, Caleb B. Wallace, Thomas I. Young—28.

Those who voted in the negative, were

Mr. Speaker, (Grey,) James P. Barbour, John Eaker, Fitch Munger, Hamilton Pope, John W. Ritter, James M. Shepard, William Sterett—8.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leathers and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Hall Anderson, Camden M. Ballard, James P. Barbour, John P. Bruce, William C. Bullock, Joshua Buster, Sam. Daviess Delany, Abijah Gilbert, Richard C. Graves, James W. Hays, Elihu Hogan, Overton P. Hogan, James W. Irwin, Alfred Johnston, John C. Kouns, John W. Leathers, Thomas P. Linthicum, Beriah Magoffin, William N. Marshall, Daniel Morgan, Fitch Munger, Robert A. Patterson, Camden Riley, John W. Ritter, Thomas Rouse, Nathaniel P. Saunders, James M. Shepard, Berry Smith, Thomas J. Smith William Sterett, Caleb B. Wallace Thomas I. Young—32.

Those who voted in the negative, were—

Mr. Speaker, (Grey,) Hamilton Pope, Robert S. Russell—4.
John Eaker,

Resolved, That the title of said bill be amended, to read, "an act to provide for the payment of the interest of the School Fund."

Mr. Delany, from the select committee to whom was referred the leave to bring in a bill for the benefit of the heirs and devisees of John Hughes, deceased, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That the committee on the Judiciary prepare and bring in said bill.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 5, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to amend and reduce into one the several acts incorporating the Franklin Fire, Marine, and Life Insurance Company, of Louisville.

An act for the benefit of David A. Knox.

An act for the benefit of John B. Whalen, of Marion county.

An act for the benefit of Lucretia Stephens, administratix of James Stephens, deceased.

An act to incorporate Warren Lodge, No. 53, of Free and Accepted Masons, and Daviess Chapter, No. 29.

An act to authorize the Clerk of the Allen Circuit Court to transmit certain papers now in his possession to the Clerk of the Barren Circuit Court.

An act in relation to the town of Glasgow.

An act to incorporate Phœnix Lodge, No. 28, of the Independent Order of Odd Fellows.

An act in relation to Magistrates' and Constables' districts in Logan county.

An act to provide for the payment of the interest of the School Fund.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

1. An act extending the limits of the town of Shelbyville.

2. An act to establish the town of Beatty, in the county of Owsley.

3. An act to authorize the Trustees of the town of Cadiz to sell a part of Main or Washington street in said town.

4. An act to amend an act, entitled, an act to incorporate the Lexington Fire, Life, and Marine Insurance Company, approved March 1, 1836.

5. An act for the benefit of the Sheriffs of Owen, Daviess, and Monroe counties.

6. An act to extend the limits of the town of Irvine.

7. An act to amend the charter of the Farmers Bank of Kentucky.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st and 2d were referred to the committee on Propositions and Grievances; the 3d, 4th, and 6th to the committee on the Judiciary; the 7th to the committee on Banks; and the 5th was ordered to be read a third time.

The constitutional provision as to the third reading of the 5th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

1. Mr. Linthicum presented the petition of sundry citizens of Larue county, praying the passage of a law to prohibit the license of foreign itinerant peddlers of merchandise.

2. Mr. Linthicum also presented the remonstrance of sundry citizens of Larue county, against the passage of a law making the officers of Circuit and County Court Clerks incompatible.

Which petition and remonstrance were received, the readings dispensed with, and referred—the 1st to Messrs. Leathers, Rouse, Munger, Anderson, O. P. Hogan, and Ballard; and the 2d to the committee on County Courts.

Mr. Pope, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the Trustees of Waidsboro'.

An act providing for the election of certain officers in the town of Paducah.

An act to incorporate Mayfield Lodge, No. 146, of Free and Accepted Masons.

Reported the same, with amendments to each, which were concurred in.

Ordered, That said bills be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate McKenzie Temple of Honor, No. 6.

An act to amend an act giving to officers, crews, mechanics, and others, a lien on steamboats, approved January 28, 1839.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act concerning free negroes and mulattoes.

An act to increase the jurisdiction of Justices of the Peace.

Reported the same, with an expression of opinion that said bills ought *not* to pass.

Ordered, That said bills be made the special order of the day for Wednesday, 12th inst., and that the Public Printer print 150 copies of each for the use of the General Assembly.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to amend the law incorporating the Carrollton and Eagle Creek Turnpike Road Company.

An act to incorporate the Mayslick and Helena Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act in relation to the Seminary fund of McCracken county.

An act to incorporate the Kentucky Female College, at Greensburg.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Bruce, from the committee on Internal Improvement—A bill to authorize the town of Paducah to subscribe stock in a Plank Road, and the Duck River Slackwater Navigation Company.

By Mr. T. J. Smith, from the committee on Religion—A bill to incorporate the Fredonia Cumberland Presbyterian Church, in Caldwell county.

By Mr. Pope, from the committee on the Judiciary—A bill to incorporate Germantown Lodge, No. 207, of Free and Accepted Masons.

By Mr. Irwin, from a select committee—A bill to amend the charter of the Bowlinggreen and Tennessee Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. O. P. Hogan—1. A bill for the benefit of Tully Sewards and his wife.

On motion of Mr. Pope—2. A bill to amend an act, entitled, an act to reduce into one the several acts concerning the town of Portland.

On motion of Mr. Young—3. A bill to incorporate Pikeville Division, No. 79, Sons of Temperance.

The committee on the Judiciary was directed to prepare and bring in said bills.

The Senate, according to order, took up for consideration a bill to provide for the organization of the militia of this State.

Ordered, That said bill be referred to Messrs Barbour, Patterson, Riley, Irwin, Marshall, Anderson, Ballard, Shepard, Young, and Leathers.

The Senate, according to order, took up for consideration a bill to repeal an act, entitled, an act to amend the revenue laws, approved March 10, 1843.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, "an act to amend the revenue laws," approved March 10th, 1843, be and the same is hereby repealed.

Mr. B. Smith moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Leathers, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	James W. Irwin,	Thomas J. Smith,
Joshua Buster,	Robert S. Russell,	William Sterett,
James W. Hays,	Berry Smith,	Thomas I. Young—10.
Overton P. Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Robert A. Patterson,
Hall Anderson,	Alfred Johnston,	Hamilton Pope,
Camden M. Ballard,	John C. Kouns,	Camden Riley,
James P. Barbour,	John W. Leathers,	John W. Ritter,
William C. Bullock,	Thomas P. Linthicum,	Thomas Rouse,
Walter Chiles,	Beriah Magoffin,	Nathaniel P. Saunders,
Sam. Daviess Delany,	William N. Marshall,	James M. Shepard—14.
John Eaker,	Daniel Morgan,	Caleb B. Wallace—26.
Abijah Gilbert,	Fitch Munger,	

Mr. O. P. Hogan moved to refer said bill to the committee on Finance, with instructions to bring in a bill to repeal the whole system of specific taxation in the State.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Barbour, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Alfred Johnston—3.

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	John W. Ritter,
James P. Barbour,	John C. Kouns,	Thomas Rouse,
John P. Bruce,	John W. Leathers,	Robert S. Russell,
William C. Bullock,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Joshua Buster,	Beriah Magoffin,	James M. Shepard,
Walter Chiles,	William N. Marshall,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith,
John Eaker,	Fitch Munger,	William Sterett,
Abijah Gilbert,	Robert A. Patterson,	Caleb B. Wallace,
Richard C. Graves,	Hamilton Pope,	Thomas I. Young—34.
James W. Hays,		

The question was then taken on engrossing and reading said bill a third time, and it was decided in the negative; so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Patterson and Barbour, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Wm. N. Marshall,
Hall Anderson,	Elihu Hogan,	Robert A. Patterson,
Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
James P. Barbour,	John W. Leathers,	Thomas Rouse,
Wm. C. Bullock,	Beriah Magoffin,	Nathaniel P. Saunders--16.
Sam. Daviess Delany,		

Those who voted in the negative, were

John P. Bruce,	James W. Irwin,	Robert S. Russell,
Joshua Buster,	John C. Kouns,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
John Eaker,	Daniel Morgan,	Thomas J. Smith,
Abijah Gilbert,	Fitch Munger,	William Sterett,
James W. Hays,	Hamilton Pope,	Caleb B. Wallace,
Overton P. Hogan,	Camden Riley,	Thomas I. Young—21.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act to authorize the erection of a monument to the memory of Col. Richard M. Johnson.

2. An act to incorporate the Kentucky Savings Bank, at Louisville.

3. An act to amend an act, entitled, an act to incorporate the Trustees of Bacon College, located at Harrodsburg.

4. An act for the benefit of Common Shools in Hart county, and for the benefit of Common School Districts, Nos. 33, Casey county; 20, Fulton county; 11, Bath county; 19 and 26, Owen county; 6, Clay county; 13, Johnson county; 36, Graves county; 28, Washington county; and two districts in Henry county.

5. An act to amend the Common School laws.

6. An act to change a part of the State road from Canton to Hickman.

7. An act giving to the Clerk of the McCracken Circuit and County Courts further time to collect his fee bills.

8. An act to incorporate the Lexington Division, No. 21, Sons of Temperance.

9. An act for the benefit of the Justices of the Hickman County Court.

10. An act to re-organize and regulate the office of Police Judge in the town of Hickman.

11. An act to establish District, No. 7, in the county of Laurel, and for other purposes.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 7th to the committee on Finance; the 2d to the committee on Banks; the 3d, 8th, and 10th to the committee on the Judiciary; the 4th and 5th to the committee on

Education; the 6th to the committee on Propositions and Grievances and the 9th and 11th to the committee on County Courts.

And then the Senate adjourned.

THURSDAY, FEBRUARY 6, 1851.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to bills from that House, of the following titles, viz:

An act to incorporate the Mount Gilead and Mount Carmel Turnpike Road Company.

An act to authorize the Bracken County Court to subscribe to a turnpike road leading from the county seat to Germantown.

An act to incorporate the Deposit Bank of Paris, Bourbon county.

An act to incorporate Warren Lodge, No. 110, of Free and Accepted Masons.

An act to incorporate Magnolia Lodge, No. 201, of Free and Accepted Masons.

An act to incorporate the Marine Insurance Company, at Paducah.

An act to authorize the County Courts to change the names of persons.

An act to create two additional Magistrates' and Constables' districts in Oldham county.

That they had passed bills from the Senate, of the following titles, viz:

An act to amend the charter of the Bank Lick Turnpike Road Company.

An act to amend the charter of the Lexington and Covington Turnpike Road Company.

An act to allow an additional Magistrates' and Constables' district in Pulaski county.

An act to incorporate the Ciceronian Society, of Shelby county.

That they had passed bills of the following titles, viz:

An act to surrender to the counties through which the Owingsville

and Big Sandy Turnpike Road runs, the control of said road, and declare the same a county road.

An act to repeal, in part, the law establishing the road from London, by the way of Williamsburg, to the Tennessee line.

An act in relation to Flint Island District, No. 5, in Breckinridge county.

An act to incorporate the Medico Chirurgical Society, of the Kentucky School of Medicine, in the city of Louisville.

1. Mr. Ritter presented the petition of sundry citizens of Barren county, praying the establishment of an additional Magistrates' and Constables' district in said county.

2. Mr. Delany presented the petition of Moses W. Southard, of Hopkins county, praying the passage of a law allowing him to retail spirituous liquors without license.

3. Mr. O. P. Hogan presented the petition of sundry citizens of Kenton county, praying an alteration of the line between the counties of Grant and Kenton.

Which petitions were received, the readings dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to regulate tolls on turnpike roads in Mason county, reported the same without amendment.

Amendments were proposed thereto by Messrs. Irwin and O. P. Hogan.

Ordered, That said bill and amendments be re-committed to the committee on Internal Improvement.

Mr. Delany, from the committee on Banks, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Farmers Bank of Kentucky, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill was dispensed with, when the hour for the orders of the day arrived.

A bill from the House of Representatives, entitled, an act to establish twelve Judicial Circuit Districts, was read a third time.

Mr. Bruce moved to refer said bill to a select committee of one, from each Congressional District, with instructions to report on Saturday next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ritter and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Abijah Gilbert,	Thomas P. Linthicum,
John P. Bruce,	Richard C. Graves,	Daniel Morgan,
William C. Bullock,	Overton P. Hogan,	Robert A. Patterson,
Walter Chiles,	Alfred Johnston,	James M. Shepard,
Sam. Daviess Delany,	John C. Kouns,	Berry Smith,
John Eaker,	John W. Leathers,	Thomas I. Young—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Thomas Rouse,
Camden M. Ballard,	William N. Marshall,	Robert S. Russell,
James P. Barbour,	Fitch Munger,	Nathaniel P. Saunders,
Joshua Buster,	Hamilton Pope,	Thomas J. Smith,
James W. Hays,	Camden Riley,	William Sterett,
Elihu Hogan,	John W. Ritter,	Caleb B. Wallace—19.
James W. Irwin,		

Mr. Hays moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Bullock, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Robert S. Russell,
Camden M. Ballard,	William N. Marshall,	Nathaniel P. Saunders,
James P. Barbour,	Fitch Munger,	Thomas J. Smith,
Joshua Buster,	Hamilton Pope,	William Sterett,
James W. Hays,	Camden Riley,	Caleb B. Wallace,
Elihu Hogan,	John W. Ritter,	Thomas I. Young—19.
James W. Irwin,		

Those who voted in the negative, were

Hall Anderson,	Abijah Gilbert,	Thomas P. Linthicum,
John P. Bruce,	Richard C. Graves,	Daniel Morgan,
Wm. C, Bullock,	Overton P. Hogan,	Robert A. Patterson,
Walter Chiles,	Alfred Johnston,	Thomas Rouse,
Sam. Daviess Delany,	John C. Kouns,	James M. Shepard,
John Eaker,	John W. Leathers,	Berry Smith—18.

The main question was then put—"shall said bill pass?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. Hogan and Sterett, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Robert S. Russell,
Camden M. Ballard,	William N. Marshall,	Nathaniel P. Saunders,
James P. Barbour,	Fitch Munger,	Berry Smith,
Joshua Buster,	Hamilton Pope,	Thomas J. Smith,
James W. Hays,	Camden Riley,	William Sterett,
Elihu Hogan,	John W. Ritter,	Caleb B. Wallace,
James W. Irwin,	Thomas Rouse,	Thomas I. Young—21.

Those who voted in the negative, were

Hall Anderson,	Abijah Gilbert,	John W. Leathers,
John P. Bruce,	Richard C. Graves,	Thomas P. Linthicum,
William C. Bullock,	Overton P. Hogan,	Daniel Morgan,
Walter Chiles,	Alfred Johnston,	Robert A. Patterson,
Sam. Daviess Delany,	John C. Kouns,	James M. Shepard—16.
John Eaker,		

Resolved, That the title of said bill be as aforesaid.

And then the Senate adjourned.

FRIDAY, FEBRUARY 7, 1851.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act providing for an election to be held for the location of the county seat of Owsley county.

An act to change the time of holding the February term of the Nelson Circuit Court.

Mr. Ballard presented the petition of sundry citizens of Oldham county, praying the passage of a law appropriating five thousand dollars, for five years, to aid in colonizing the free negroes of this State, in Liberia.

Which petition was received, the reading dispensed with, and referred to Messrs. Bullock, Wallace, Magoffin, Graves, Pope, and Irwin.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to amend the charter of the Farmers Bank of Kentucky.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Robert A. Patterson,
Hall Anderson,	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	Overton P. Hogan,	Camden Riley,
William C. Bullock,	John C. Kouns,	John W. Ritter,
Walter Chiles,	John W. Leathers,	James M. Shepard,
Sam. Daviess Delany,	Thomas P. Linthicum,	Berry Smith,
Abijah Gilbert,	Daniel Morgan,	William Sterett,
Richard C. Graves,	Fitch Munger,	Caleb B. Wallace—24.

Those who voted in the negative, were

John P. Bruce,	James W. Irwin,	William N. Marshall,
John Eaker,	Alfred Johnston,	Thomas Rouse—6.

Resolved, That the title of said bill be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, to whom was re-committed a bill from the House of Representatives, entitled, an act to regulate tolls on turnpike roads in Mason county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of School District, No. 1, in Lawrence county.

An act for the benefit of Common Schools in Hart county, and for the benefit of Common School District, No. 33, Casey, county; 20, Fulton county; 11, Bath county; 19 and 26, Owen county; 6, Clay county; 13, Johnson county; 36, Graves county; 28, Washington county; and two districts in Henry county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the title of the last bill be amended, to read, "an act for the benefit of certain School Districts in the counties of Hart, Casey, Fulton, Bath, Owen, Clay, Johnson, Graves, Washington, and Henry.

The following bills were reported, viz:

By Mr. Munger, from the committee on the Judiciary—A bill for the benefit of John G. Parks, Clerk of the Nicholas County Court.

By Mr. Bruce, from the committee on Internal Improvement—A bill to amend the charter of the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Shepard, from a select committee, made the following report, viz:

The select committee, to whom was referred the memorial of a number of citizens of Scott county, together with sundry petitions from various cities and towns of this commonwealth, upon the subject of a law requiring a registration of the births, marriages, and deaths, occurring within this commonwealth, have had the same under consideration, and, after careful examination and reflection, would respectfully report—

As it is the first time the subject has been brought to the attention of the general assembly of Kentucky, your committee, so far as time allowed, have carefully examined the history of registration in the European states, beginning with Geneva, where the subject first assumed the form of law in the year 1549. From which it appears that Geneva, England, France, Prussia, and Austria have each placed the system upon a stable foundation, and have been and are now diligently engaged in perfecting the system; and the facts before us justify us in the statement, that in all those countries it is considered an interest of the most vital importance. In the United States, Massachusetts, New York, Pennsylvania, Connecticut, New Jersey, and Rhode Island have each placed registration upon the statute book. Massachusetts is far in advance of the other states, and her system of registration has greatly assisted the labors of the committee.

Your committee would here call the attention of the senate to the circular of a committee of the "National Institute" at Washington, a body of men who stand deservedly high for their intelligence and scientific attainments. That committee propound a number of inquiries to the members of medical profession in the several states of the Union, of which one reads thus: "What are the number of births, marriages and deaths to each thousand of your population? Transmit your bills of mortality." And a committee appointed by the "National Medical Convention," held at Philadelphia May 5th, 1847, adopted the following resolution, one of five: "*Resolved*, That it is expedient for this convention to recommend to, and urge upon the various state governments, the adoption of measures for procurring a registration of the births, marriages and deaths occurring in their several populations." Thus it will be seen that two of the most learned bodies of men that have ever convened in the United States, have urged upon the states the importance of a system of registration.

The committee have found, in looking into the matter, such a vast amount of information, that the difficulty has been to select such portions as would most clearly exhibit the utility of the measure, without extending this report to too great a length; therefore much valuable information will of necessity be excluded.

The committee will now proceed to give some of the reasons which have convinced them that the bill herewith reported should become a law. It is known to all that there is no means of ascertaining, by any authentic record, the period of birth of any individual within this commonwealth; yet it is a subject of too much importance to be left to the parol testimony of interested parties, without any possibility of detecting error or frauds in such testimony. That when we consider a very large proportion of those who celebrate marriages fail to make any

return of such marriages; and when we consider that the burning of a clerk's office may destroy all records upon the subject of marriages; and when we consider how important it is to individuals that that they should be able to establish their marriages, and the date thereof, it seems perfectly clear that some mode which may obviate these difficulties is imperiously called for. It is a well-known fact that many persons have been deprived of pensions to which they were entitled, because they were unable to procure the proof which the marriage or other registration should have furnished; and on that account many a widow and orphan have been deprived of their just reward, and are now suffering in penury and want. Is it not, therefore, especially important, in a country like ours, where the government has done so much, and will continue to reward those that have served her faithfully, that Kentucky should be prepared to protect her citizens?

The equitable descent and distribution of estates often depend almost entirely upon the evidence which the registers would furnish of the personal history of individuals; and it requires but a partial acquaintance with the proceedings of courts of law to show how important such a register may be in settling questions as to marriage relation, title to estates, and the rights of heirs at law. Advertisements hunting up heirs of estates are not uncommon; and it has been said by an eminent English jurist, "that it appears fully as necessary for the preservation of the rights of individuals to keep a register of births, marriages and deaths, as to preserve a register of deeds.

The medical profession in the United States are now struggling to keep pace with the scientific advancement of the age; the profession in Europe have had great advantages heretofore; upon this very subject a vast amount of statistical information is yearly laid before them from every part of the countries in which they live. Is it not due to the profession in our own country, that we should put them on an equal footing with those countries? They, without a dissenting voice, are, with the most anxious solicitude, claiming it at our hands. Whilst they have charge of the health of the country, with all its great responsibilities, will not the law-making power, which has the care of all its citizens, place before them that information which can be obtained in no other way? We think we may answer, the legislature of Kentucky will assuredly do it.

LIFE TABLES.—This important branch is growing in interest each successive year, and must continue to increase. It is, therefore, of great interest to know, that no correct life tables have yet been formed for this country. Upon this subject we will make a single quotation from the 10th volume of the "American Journal of Medical Science:" "No correct "life tables can, therefore, be formed for the population of America un- "til they adopt, in addition to the census, the system of registration "which exists in European states."

The wealth of a country consists in its inhabitants, and the wealth of its inhabitants in the length of their lives, in the vigor of their health, and in the productive power of their industry. An increase of wealth is as sure to result from a long life of vigorous health, as poverty is to result from a life shortened by death or impaired by disease. The labor of every man contributes not only to his own wealth, but to the wealth

of the state. And it is the duty of the government to do all in its power to raise the standard of health to the highest possible state of vigor and productiveness.

The committee now propose taking a view of the beneficial effects of registration in relation to the public health of the commonwealth; and they beg leave to introduce this part of the subject with a quotation from the writings of Lemuel Shattuck, the ablest writer upon "vital statistics" in America: "It may be asked, what can the government do to arrest "the hand of death? We do not suppose that an act of the legislature "can compel a child to live, or an adult to keep his energies in a healthy "state of action. But it is certain that human life may be prolonged by "knowledge and care, as it is that an ox will fatten, a silk-worm spin its "thread, or a plant thrive better, when knowledge and care are bestowed, "than when they are not. Let the facts which the registery system pro- "poses to collect concerning births, marriages and deaths, and the cir- "cumstances which attend them, be collected, digested, arranged, pub- "lished and diffused annually, and their effects on the living energies of "the people will be incalculable. They would be an annual lesson on "the laws of human life in their operation amongst men, a kind of prac- "tical physiology taught in all our towns and counties, and at our "fire-sides; and hence, far more instructive and impressive than any de- "rived from books."

Your committee would here ask, if this can be doubted? Does not the whole history of our republican institutions prove, beyond the possibility of successful contradiction, that the most valuable information is quickly disseminated by means of the action of the functionaries of government? What proposition can be clearer than that the assessors, applying at every family in the state for statistical information, would also give to each the reasons for the questions, which, with the inquiries made by physicians and midwives, and the records preserved by clergymen, would draw the attention of all classes to the subject; and that upon the publication of the tables, with the general results, would lead to information in the hands and understandings of the population, which would ultimate in a knowledge of the laws necessary to prevent disease—a far more valuable knowledge than the knowledge necessary to cure disease, which is always confined to a comparative few.

It is a fact no less singular than true, that all men are impressed with the belief that the particular neighborhood in which they live is healthy. But by a series of observations, correctly recorded, throughout the state, those portions most afflicted will be pointed out, as also the diseases to which they are most liable. This will operate beneficially in two ways: first, it will set the inhabitants to look for and remove the cause of disease as much as possible; and, secondly, will indicate the portions of the state least liable to particular diseases, thereby holding out to those liable to those diseases to remove thither; for the fact has been frequently noticed, that a location in which one family had lived a long time in good health, seems very unhealthy to another taking its place.

It has been estimated by the ablest writers on the subject, that for every death occurring during the year, there are two persons constantly severely sick during the year; that is, there are 730 days of sickness of

those who do not die. It is estimated further, that 30 per cent. of the deaths might, by proper attention to the laws of health, be postponed, and 30 per cent. of the sickness be prevented. Some men prefer to estimate every thing by dollars and cents. Such estimates are not without their value. Disclaiming all thought of putting a value, in dollars and cents, upon human life, upon the affections and sorrows of the heart, let us contemplate man only as a machine which can produce money. By an imperfect return of the census for the year 1850, 13,202 deaths occurred from June 1st, 1849, to June 1st, 1850. But the city of Louisville and seven counties remain to be heard from, which would doubtless swell the mortality to 16,000. But from a slight examination of the returns, it is evident that these returns have been made with more or less carelessness: for example, one county, with a population of 4,185, has returned 12 deaths; another, with 5,716 population, 25 deaths; another, with 3,774 population, 24 deaths. Let us add, then, 2,000 to cover deficiencies in the whole state, which is doubtless below the fact, and we have 18,000 deaths in the state occurring within twelve months. Let us suppose further, that death in these cases, by prudence, had been averted, upon average, for five years, which is a reasonable supposition; then supposing each person dying to have been capable of earning $50 per annum, and we have a loss of $900,000 per annum. But whilst these 18,000 have died, 36,000 have been sick during the whole year, making 36,000 years of sickness—one-third of which, or 12,000, might have been avoided. Then, at the same estimate, you will have $600,000. Without allowing any thing for medical attention, or for the time of the family lost in waiting on the sick, we have $1,500,000 as an annual loss, or $7,500,000 in five years, which might have been saved to the state. Here we will remark, that all writers on the laws of health pursue this method in their calculations, and believe themselves fully borne out by legitimate reasoning from the statistics. Mr. Shattuck, of Massachusetts, where the population is about the same as Kentucky, estimates the loss of his state, for the year 1848, at $5,300,000.

The committee, having thus thrown together a few facts, in connection with their views of this important subject, will beg leave to refer again to the report of Lemuel Shattuck, chairman of the joint special committee of the legislature of Massachusetts, of March 3d, 1849; and will place in this report six several propositions, which he puts in the form of questions and answers.

First—Registration would furnish facts to illustrate the personal history of individuals.

Secondly—Registration would furnish data for constructing proper life tables.

Thirdly—Registration would exhibit the physical condition of the people.

Fourthly—Registration would lead to the diminution of disease, and the extension of life.

Fifthly—Registration would lead to a diminution of poverty, and increase of the wealth of a people.

Sixthly—Registration would lead to a diminution of crime, and to the moral improvement and elevation of man.

Your committee will close this report with some general observations

which the subject has suggested. The bill herewith reported, they believe, is eminently entitled to the consideration of the senate; it is a measure, as we conceive, connecting itself with the best interests of the state. Developing and improving the physical condition of our race, it will thereby elevate the standard of man's moral condition. It connects itself with and assists all the great interests of the commonwealth. Whilst education enlarges the knowledge and understanding of man, registration will teach the weight and importance to the commonwealth of each individual. Whilst railroads, turnpikes, and river communications develop the resources of the state, registration will teach that it is the inhabitants of a country that produce the wealth. Will the legislature of Kentucky devote their time, attention and money to the improvement of lands, rivers, roads, domestic animals and manufactures, and say that man, who rules and has dominion over all, is unworthy of the same care?

JAS. M. SHEPARD,
HAMILTON POPE,
CALEB B. WALLACE,
FITCH MUNGER,
R. A. PATTERSON.

Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

Mr. Shepard, from a select committee, reported a bill requiring the registration of births, marriages, and deaths, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order for Thursday, the 13th inst., and that the Public Printer print 150 copies thereof for the use of the General Assembly.

A bill to amend the charter of the Louisville and Frankfort Railroad Company, was taken up.

Ordered, That said bill be re-committed to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act to change the time of holding the February term of the Nelson Circuit Court, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend the act incorporating the Maysville and Lexington Railroad Company, with amendments.

Which amendments were taken up, twice read, and concurred in.

Leave was given to bring in the following bills, viz:

On motion of Mr. Leathers—1. A bill to fix the time of holding the charter election in the city of Newport.

On motion of Mr. Wallace—2. A bill to amend the charter of the Lexington and Danville Railroad Company.

On motion of Mr. Delany—3. A bill to incorporate Union College, in the town of Morganfield.

On motion of Mr. Pope—4. A bill authorizing the city of Louisville to subscribe stock in certain railroads.

On motion of same—5. A bill to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850.

On motion of same—6. A bill to authorize the Louisville and Sulpur Well Company and the Louisville and Shepardsville Turnpike Company to unite and form one Company, under the name of the Louisville and Sulphur Well Turnpike Company, and granting them certain powers.

On motion of same—7. A bill to incorporate the Peacock Coal Company, of Owsley county.

The committee on the Judiciary was directed to prepare and bring in the 1st, 4th, 5th, and 6th; the committee on Internal Improvement the 2d; the committee on Education the 3d; and Messrs. Pope, Bullock, and Morgan, were appointed a committee to prepare and bring in the 7th.

The Senate, according to order, took up for consideration the report of the committee on Propositions and Grievances, on the petition of sundry citizens of the counties of Hardin, Meade, Jefferson, and Bullitt, praying the formation of a new county out of parts thereof, which is as follows, viz:

Resolved, That said petition be rejected.

And the question being taken on concurring in said report, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Saunders and Ballard, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Thomas P. Linthicum,	Camden Riley,
Camden M. Ballard,	Daniel Morgan,	Thomas Rouse,
Wlliam C. Bullock,	Fitch Munger,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Robert A. Patterson,	James M. Shepard,
Abijah Gilbert,	Hamilton Pope,	William Sterret—16.
John C. Kouns,		

Those who voted in the negative, were—

Hall Anderson,	Elihu Hogan,	Robert S. Russell,
James P. Barbour,	Overton P. Hogan,	Berry Smith,
John P. Bruce,	James W. Irwin,	Thomas J. Smith,
John Eaker,	Alfred Johnston,	Caleb B. Wallace—14.
James W. Hays,	John W. Leathers,	

The Senate then took up for consideration a bill to regulate the election laws.

Mr. Graves moved to strike out the third section of article second of said bill, which is as follows, viz:

§ 3. *Districts for the election of justices of the peace and constables, election precincts, and places of voting may be changed by the county court, in the month of January or February next preceeding the regular time of electing justices of the peace, on the petition of a majority of the voters of the district or precinct to be affected by the change; and when any such change is so made, the sheriff shall cause the same to be advertised as above required: And provided,* if for any good cause, an election cannot be held at the house appointed as the place of voting, the judges of the election may, on the morning of the election, adjourn it to the most convenient place, after having publicly proclaimed the change.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Richard C. Graves,	John W. Leathers,	Thomas I. Young—5.
Overton P. Hogan,	Fitch Munger,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	John W. Ritter,
Hall Anderson,	Elihu Hogan,	Thomas Rouse,
Camden M. Ballard,	James W. Irwin,	Robert S. Russell,
James P. Barbour,	Alfred Johnston,	Nathaniel P. Saunders,
John P. Bruce,	Thomas P. Linthicum,	James M. Shepard,
Walter Chiles,	Daniel Morgan,	Berry Smith,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett,
John Eaker,	Camden Riley,	Caleb B. Wallace—24.

Mr. Irwin moved to strike out all that part of said section printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leathers and Graves, were as follows, viz:

Those who voted in the affirmative, were—

Richard C. Graves,	James W. Irwin,	Fitch Munger,
Overton P. Hogan,	John W. Leathers,	Thomas I. Young—6.

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	James W. Hays,	Thomas Rouse,
Hall Anderson,	Elihu Hogan,	Nathaniel P. Saunders,
Camden M. Ballard,	Alfred Johnston,	James M. Shepard,
James P. Barbour,	Thomas P. Linthicum,	Berry Smith,
John P. Bruce,	Hamilton Pope,	Thomas J. Smith
Walter Chiles,	Camden Riley,	William Sterett,
Sam. Daviess Delany,	John W. Ritter,	Caleb B. Wallace—22.
John Eaker,		

And then the Senate adjourned.

SATURDAY, FEBRUARY, 8, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to incorporate Salt River Lodge, No. 180, in the town of Mount, Washington, in Bullitt county.

An act to amend the charter of the Cave Hill Cemetery.

An act to incorporate the Lexington Benevolent Female Society.

An act for the benefit of Caroline Ellis, and others.

An act to incorprate the Mayfield Presbyterial Seminary.

An act to amend an act establishing the Covington Commercial College.

That they had passed bills of the following titles, viz:

An act to regulate the commissions of Sheriffs on the collection of taxes imposed by County Courts on the *ad valorem* principle.

An act to amend an act, entitled, an act to incorporate the town of Lancaster.

An act for the benefit of Asbury Chapel, in the city of Louisville.

An act for the benefit of the Portland Dry Dock and Insurance Company.

An act to extend the corporate limits of Newport.

An act to amend the charter of East Maysville, in Mason county.

An act amending an act for the benefit of Mary Ridge and Maria Davenport, approved February 9, 1850.

1. Mr. Eaker presented the petition of sundry citizens of the town of Moscow, praying the passage of a law to condemn certain lots in said town upon which to erect an Academy.

2. Mr. Pope presented the petition of sundry citizens of the city of Louisville, praying an act of incorporation for the Fall's City Insurance Company.

3. Mr. Rouse presented the petition of sundry citizens of Boone county, praying the passage of a law to change the boundary of a Magistrates' and Constables' district in said county.

4. Mr. Munger presented the petition of John Alexander, of Nicholas county, praying the passage of a law to secure the prompt settlement and disbursement of the county levy.

5. Mr. Speaker (Grey) presented the petition of John C. Andrews, of Todd county, praying the passage of a law for the benefit of Virginia P. Wines.

6. Mr. Bruce presented the petition of sundry citizens of Yellow Creek, in Knox county, praying the passage of a law appropriating five thousand dollars, for five years, to aid in colonizing the free negroes of this State, in Liberia.

7. Mr. Patterson presented the petition of sundry citizens of Caldwell county, for a similar object.

8. Mr. Patterson also presented the petition of Bryant Nichols, of Caldwell county, praying to be added to the first Magistrates' and Constables' district in said county.

Which petitions were received, the readings dispensed with, and referred—the 1st, 2d, and 5th to the committee on the Judiciary; the 3d and 8th to the committee on Propositions and Grievances; the 4th to the committee on Finance; the 6th and 7th to Messrs. Bullock, Wallace, Magoffin, Graves, Pope, and Irwin.

Mr. Delany, from the committee on Banks, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the days of grace on negotiable paper, reported the same with an amendment, which was concurred in.

Said bill, as amended, reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all cases of bills of exchange and promissory notes, payable in this State, and hereafter drawn and executed, on which days of grace are allowed by law, if the last day of grace occurs on Sunday, on the 25th day of December, on the 4th day of July, or on any day set apart by the Governor of this State, or the President of the United States, as a day of thanksgiving, or of fasting and prayer, the said bills and notes shall be deemed due and payable on the first succeeding business day, and liable to be protested and proceeded on accordingly.

§ 2. That, hereafter, when a Bank discounts a note at four months'

time, it shall be understood to be one hundred and twenty days, and the days of grace shall not commence until the one hundred and twenty days are completed.

§ 3. This act shall take effect from and after the first day of March, 1851.

Mr. Patterson moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Johnston and Irwin, were as follows, viz:

Those who voted in the affirmative, were

James P. Barbour,	James W. Irwin,	Hamilton Pope,
William C. Bullock,	John C. Kouns,	Camden Riley,
Joshua Buster,	Thomas P. Linthicum,	John W. Ritter,
Richard C. Graves,	Daniel Morgan,	Thomas Rouse,
James W. Hays,	Fitch Munger,	William Sterett—17.
Elihu Hogan,	Robert A. Patterson,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Nathaniel P. Saunders,
Hall Anderson,	John W. Leathers,	Berry Smith,
John P. Bruce,	William N. Marshall,	Thomas J. Smith,
Abijah Gilbert,	Robert S. Russell,	Caleb B. Wallace—13.
Overton P. Hogan,		

Mr. Pope, from the committee on the Judiciary, to whom was re-committed a bill to amend the charter of the Louisville and Frankfort Railroad Company, reported the same with amendments, which were concurred in.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to extend the limits of the town of Irvine.

An act to amend an act, entitled, an act to incorporate the Lexington Fire, Life, and Marine Insurance Company, approved March 1, 1836.

An act to incorporate the Lexington Division, No. 21, Sons of Temperance.

An act to authorize the Trustees of the town of Cadiz to sell a part of Main or Washington street in said town.

An act to re-organize and regulate the office of Police Judge in the town of Hickman.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee, reported the following bills, viz:

A bill to repeal an act for the benefit of Charles Rice, Sheriff of Carter county, approved December 18, 1850.

A bill to incorporate Bullitt Royal Arch Chapter, No. 44.

A bill to authorize the city of Louisville to subscribe stock in certain Railroads.

A bill to amend an act, entitled, an act to reduce into one the several acts concerning the town of Portland, approved March 2, 1850.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee, reported a bill to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill was dispensed with.

The sixth section of said bill reads as follows, viz:

§ 6. That the 22d section of the charter shall be so amended as to authorize the County Court of any county, through which the road, or any branch thereof may pass, to subscribe to the stock of said Company, in the name of the county, and also to pay the sum so subscribed as in said section provided; but no such subscription shall be made until after such Court shall have been petitioned, in writing, to make the same by a majority of the resident free white male inhabitants of the county, over twenty-one years of age, *who have been assessed, and paid the State revenue tax for the preceeding year*, or until after said Court shall have submitted the question of such subscription to all the free male inhabitants of said county over twenty-one years of age, who have paid their revenue tax of the preceeding year, and the proposition shall have received, in favor of it, a majority of all the votes cast.

Mr. Irwin moved to amend said section, by striking out all that part printed in italics, and inserting in lieu thereof, "who are qualified to vote for Representatives."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	John C. Kouns,
Hall Anderson,	Elihu Hogan,	Nathaniel P. Saunders,
James P. Barbour,	Overton P. Hogan,	Thomas J. Smith,
Wm. C, Bullock,	James W. Irwin,	William Sterett,
Sam. Daviess Delany,	Alfred Johnston,	Caleb B. Wallace—15.

Those who voted in the negative, were

John P. Bruce,	William N. Marshall,	John W. Ritter,
Joshua Buster,	Daniel Morgan,	Thomas Rouse,
Walter Chiles,	Fitch Munger,	Robert S. Russell,
John Eaker,	Robert A. Patterson,	James M. Shepard,
John W. Leathers,	Hamilton Pope,	Berry Smith—17.
Thomas P. Linthicum,	Camden Riley,	

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein.

Ordered, That the further consideration of said bill be postponed, and made the special order of the day, in committee of the whole, for Wednesday next, at half past 9 o'clock.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Executive Department,
Frankfort, Feb. 7, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent,

William P. Ross, to be Notary Public for Nicholas county, *vice* John Dougherty, resigned.

Henry C. Harris, Notary Public for Kenton county.

Robert Tyler, Notary Public for Jefferson county.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Graves, from the joint committee on Enrollments, reported that

the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz :

An act to create two additional Magistrates' and Constables' districts in Oldham county.

An act to incorporate the Mount Gilead and Mount Carmel Turnpike Road Company.

An act to empower the County Court of Bracken to take stock in turnpike roads.

An act to incorporate Magnolia Lodge, No. 201, of Free and Accepted Masons.

An act to incorporate the New Liberty and Kentucky River Turnpike Road Company.

An act to incorporate McKenzie Temple of Honor, No. 6.

An act to incorporate the Lexington Savings Institution.

An act to amend the law incorporating the Carrollton and Eagle Creek Turnpike Road Company.

An act to incorporate the Peach Orchard Coal Company.

An act to incorporate the South Elkhorn and Midway Turnpike Road Company.

An act for the benefit of the Sheriffs of Owen, Daviess, and Monroe counties.

An act to incorporate the Mayslick and Helena Turnpike Road Company.

An act to incorporate the Kentucky Female College, at Greensburg.

An act to amend an act giving to officers, crews, mechanics, and others, a lien on steamboats, approved January 28, 1839.

An act to incorporate Warren Lodge, No. 110, of Free and Accepted Masons.

An act to authorize the County Courts to change the names of persons.

An act to amend the charter of the Farmers Bank of Kentucky.

An act to establish twelve Judicial Circuit Districts.

An act in relation to the Seminary fund of McCracken county.

And enrolled bills, which originated in the Senate, of the following titles, viz :

An act in relation to the town of Glasgow.

An act to incorporate the Hopkinsville Baptist Female Institute.

An act to incorporate the Pleasant Run Turnpike Road Company.

An act for the benefit of David A. Knox.

An act in relation to Magistrates' and Constables' districts in Logan county.

An act to authorize the Clerk of the Allen Circuit Court to transmit certain papers, now in his possession, to the Clerk of the Barren Circuit Court.

An act to authorize a change in the State road leading from Canton to Hickman.

An act to allow an additional Magistrates' and Constables' district in Pulaski county.

An act to amend the charter of the Lexington and Covington Turnpike Road Company.

An act for the benefit of Lucretia Stephens, administratix of James Stephens, deceased.

An act to amend the charter of the Bank Lick Turnpike Road Company.

An act to prevent the close shaving of the heads of convicts in the Penitentiary.

An act for the benefit of the heirs of Joseph Burnett, deceased.

An act to appoint two Trustees for Rockcastle Seminary, and for other purposes.

An act in relation to Magistrates' and Constables' districts in Christian county.

An act to incorporate the Licking Packet Company.

An act to authorize the Trustees of the town of Springfield to subscribe stock in a turnpike road.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

On motion of Mr. Leathers, leave was given to bring in a bill to authorize the city of Covington and certain counties to subscribe stock in the Covington and Lexington Railroad Company, and Messrs. Leathers, Munger, O. P. Hogan, Shepard, and E. Hogan, were appointed a committee to prepare and bring in the same.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of the Sheriff of Taylor county.

An act for the benefit of the Sheriff of Bath county.

An act to revive the charter of the Burlington and Dry Creek Turnpike Road Company.

An act for the benefit of the Sheriff of Kenton county.

An act to amend the acts incorporating the Fire Department of the city of Louisville.

An act to amend an act, entitled, an act to incorporate certain Turnpike Road Companies in Montgomery county, and for other purposes, approved March 5, 1850.

An act for the benefit of Wm. C. Halbert, Sheriff of Lewis county.

An act to amend the charter of the Lexington, Frankfort, and Versailles Turnpike Road Company.

An act for the benefit of the Sheriff of Knox county.

An act for the benefit of Thomas L. Garrard, of Pendleton county.

An act in relation to the Magistrates' and Constables' districts in Grant county.

An act for the benefit of the Sheriff of Rockcastle county.

An act to incorporate the Farmers' Turnpike Road Company.

Approved February 3, 1851.

The Senate resumed the consideration of the bill to regulate the election laws.

The sixth section of article sixth of said bill, reads as follows, viz:

§ 6. A vacancy in the office of presiding judge of the county court, shall be filled for the like time as in the last section named for coroner, surveyor, &c., by the justices of the peace for the county, convened at the court house for that purpose by the sheriff. A majority of the justices shall be a quorum.

1. It shall appear, by the written return of the sheriff, that each justice, not absent from the county, has had three days' notice of the time and object of the meeting.

2. The justices shall convene at ten o'clock in the morning of the appointed day, or as soon thereafter as may be, and at the same hour every succeeding day, Sunday excepted, until the vacancy is filled.

3. A majority of those present shall fill the vacancy, and their written certificate thereof shall be handed to and preserved by the clerk of the court.

4. In the case of a tie, or if a majority cannot otherwise be obtained after three ballots, the sheriff shall give the casting vote.

5. *No justice or sheriff shall vote for himself, for his father, son, brother, uncle, nephew, first cousin, son-in-law, brother-in-law, or father-in-law.*

6. When necessary, the writ of election to fill the vacancy shall issue from the court, or its clerk, as in the last section directed.

Mr. Eaker moved to amend said section, by striking out the fifth clause thereof, printed in italics.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barbour and Patterson, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Camden Riley,
Hall Anderson,	Elihu Hogan,	John W. Ritter,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
William C. Bullock,	Alfred Johnston,	James M. Shepard,
Joshua Buster,	John C. Kouns,	Berry Smith,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith,
John Eaker,	Daniel Morgan,	William Sterett,
Abijah Gilbert,	Fitch Munger,	Caleb B. Wallace—29.
Richard C. Graves,	Hamilton Pope,	

Those who voted in the negative, were

Walter Chiles,	Thomas P. Linthicum,	Robert A. Patterson—3.

Mr. Wallace moved to strike out the seventh section of said article, which is as follows, viz:

§ 7. No vacancy, directed to be filled by a judge, shall be so filled by the appointment of the son, father, brother, uncle, nephew, first cousin, father-in-law, son-in-law, or brother-in-law of the judge; nor shall a person, standing in any of those degrees of relationship to either of the judges of the county court, be appointed by that court to fill a vacancy. Any appointment made contrary to this section shall be void.

And the question being taken thereon, it was decided in the affirmative.

And then the Senate adjourned.

MONDAY, FEBRUARY 10, 1851.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate, to a bill from that House, entitled,

An act for the benefit of Common Schools in Hart county, and for the benefit of Common School District, No. 33, Casey, county; 20, Fulton county; 11, Bath county; 19 and 26, Owen county; 6, Clay county; 13, Johnson county; 36, Graves county; 28, Washington county; and two districts in Henry county.

That they had passed a bill from the Senate, entitled,

An act to amend the charter of the Bowlinggreen and Tennessee Railroad Company.

That they had passed bills of the following titles, viz:

An act to incorporate Wildey Lodge, No. 40, Independent Order of Odd Fellows.

An act to incorporate Green River Lodge, No. 54, Independent Order of Odd Fellows.

An act to change the time of holding the Court of Claims in Fayette county.

An act to incorporate Hickman Lodge, No. 131, of Free and Accepted Masons.

An act incorporating the United Baptist Church, in Taylor county.

An act for the benefit of Alfred F. Gowdey, Clerk of the Taylor County Court.

An act to change Magistrates' and Constables' districts, No. 4, in Green; No. 1, in Crittenden; and the Lewisburg and Maysville district, in Mason county.

An act to establish the office of Town Marshal, in the town of Independence, in the county of Kenton.

An act to charter the Louisville Homœpathic College of Medicine.

An act to amend the road law in Pendleton county.

An act to amend an act incorporating the Crab Orchard and Crew's Knob Turnpike Road Company, approved March 6, 1850.

An act to incorporate the Acolian Building Company of the town of Bowlinggreen.

That they had received official information that the Governor had approved and signed enrolled bills, which originated in that House, of the following titles, viz:

An act to enlarge the jurisdiction of the Police Judge of the town of Hartford.

An act to incorporate Bedford Lodge, No. 158, of Free and Accepted Masons.

An act to amend an act incorporating the Lexington and Frankfort Turnpike Road.

An act giving the Meade County Court jurisdiction of a part of the Salt River and Bowlinggreen Road.

An act to incorporate Bullitt Lodge, No. 155, of Free and Accepted Masons.

An act to athourize the running and re-marking the boundary lines of Butler county.

An act to authorize the Spencer County Court to sell the Poor House tract of land in said county.

An act for the benefit of William M. Fox, Clerk of the Pulaski Circuit and County Courts.

An act to amend the charter of the Eagle Creek, New Liberty, Owenton, and Scott County Line Turnpike or Plank Road Company.

An act for the benefit of the Sheriff of Anderson county.

An act for the benefit of the citizens of the town of Burksville.

An act to revive the corporate powers, and to authorize the re-building of the Meeting House of Mount Tabor Church, in Estill county.

An act to divide the State into four districts for the election of Judges of the Court of Appeals.

An act to change the limits of the town of Lawrenceburg.

Approved February 1, 1851.

1. Mr. Pope presented the petition of sundry citizens of the city of Louisville, praying an act of incorporation of the Grand Temple of Honor of the State of Kentucky.

2. Mr. Munger presented the remonstrance of the City Council of Maysville, and sundry citizens of the city of Maysville, against the passage of a law now pending in the Senate to change the city charter.

Which petition and remonstrance were received, the reading dispensed with, and referred—the 1st to the committee on the Judiciary; and the 2d to the committee on Propositions and Grievances.

Mr. Chiles moved a reconsideration of the votes passing and ordering to a third reading a bill from the House of Representatives, entitled, an act to extend the limits of the town of Irvine.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be laid on the table.

Mr. Bullock, from the committee on the Judiciary, reported a bill to regulate the rate of conventional interest, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

On motion of Mr. Buster,

Ordered, That said bill be laid on the table.

Mr. Bullock, from the committee on County Courts, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the Justices of the Hickman County Court.

An act to establish District, No. 7, in the county of Laurel, and for other purposes.

Reported the same, with amendments to the last bill, which were concurred in.

Ordered, That said bills be read a third time, (the last as amended.)

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills, do pass, (the last as amended,) and that the titles thereof be as aforesaid.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James J. Hall, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of James E. Stone, Clerk of the Hancock Circuit and County Courts.

An act giving to the Clerk of the McCracken Circuit and County Courts further time to collect his fee bills.

An act for the benefit of Harvey M. Brown.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wallace, from the committee on Education, reported a bill to re-organize Transylvania University, and establish therein a school for teachers, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order for Tuesday, the 18th inst.

Mr. Wallace, from the same committee, to whom was referred the leave to bring in a bill to change the mode of selecting Commissioners of Common Schools, asked to be discharged from the further consideration thereof, which was granted.

Mr. Marshall, from a select committee, reported a bill for the benefit of *bona fide* housekeepers, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary.

The following bills were reported, viz:

By Mr. Morgan, from the committee on Propositions and Grievances—A bill to change the place of voting in the fifth district, for the election of Justices of the Peace and Constable in Trigg county.

By same—A bill to allow an additional Magistrates' and Constables' district in the county of Barren.

By Mr. Bruce, from the committee on Internal Improvement—A bill to amend the charter of the Lexington and Danville Railroad Company.

By Mr. Wallace, from the committee on Education—A bill for the benefit of Greenwood School District, in Jefferson county.

By Mr. Eaker, from the committee on Finance—A bill to repeal an act, entitled, an act to establish an additional Justices' and Constable district in Fulton county.

By Mr. Bullock, from a select committee—A bill to authorize the Shelby County Court to sell and convey the Poor House in said county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Wallace—1. A bill to amend the charter of the Danville and Hustonville Turnpike Road Company.

On motion of Mr. Hays—2. A bill to amend the charter of the Columbus Fire, Life, and Marine Insurance Company.

On motion of Mr. Delany—3. A bill to amend the charter of the Hopkinsville Fire, Life, and Marine Insurance Company.

On motion of Mr. Rouse—4. A bill for the benefit of John Hogan, of Carroll county.

On motion of same—5. A bill for the benefit of the Sheriff of Boone county.

On motion of Mr. Irwin—6. A bill to establish a Police Court in the town of Russellville.

The committee on the Judiciary was directed to prepare and bring in the 2d, 3d, 4th, and 6th; the committee on Internal Improvement the 1st; and the committee on Finance the 5th.

Mr. Linthicum moved the following resolution, viz:

Resolved, That the committee on Finance be instructed to inquire into the propriety of imposing a tax on all insurance offices and lottery privileges, and report by bill or otherwise.

Which was adopted.

Mr. Linthicum moved the following resolution, viz:

Resolved, That the Senate will, for the remainder of the present session, adjourn at 1 o'clock, and hold evening sessions, commencing at 3 o'clock.

Which was adopted.

On motion of Mr. Linthicum,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the announcement of the passage of a bill from that House, entitled, an act to change the time of holding the February term of the Nelson Circuit Court.

Mr. Linthicum was directed to bear said message.

After a short time, said bill was returned to the Senate, and the votes by which it was passed and ordered to a third reading were reconsidered.

On motion of Mr. Linthicum,

Ordered, That said bill be laid on the table.

On motion of Mr. Shepard,

Ordered, That leave of absence, until Monday next, be granted to Mr. Wallace.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
February 10, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent,
Henry C. Wood, to be Notary Public for Jefferson county.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

The Senate resumed the consideration of the bill to regulate the election laws.

The eleventh section of article twelfth of said bill was amended, to read as follows, viz:

§ 11. Any person not a citizen of this State who shall fraudulently *attempt to* vote at an election in this state; any person, who shall vote or fraudulently attempt to vote more than once at an election; any person, who shall vote or fraudulently attempt to vote by means of a false personation and use of the naturalization papers of another person, dead or living; and any person who shall lend or hire his naturalization papers to be used for such purpose, shall be imprisoned not less than one year and fined not more than five hundred dollars.

Mr. Bruce moved to amend said section, by striking out the words "*attempi to,*" printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bruce and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Hall Anderson,	James W. Irwin,	James M. Shepard,
John P. Bruce,	Alfred Johnston,	Berry Smith,
William C. Bullock,	John W. Leathers,	Thomas J. Smith
John Eaker,	Nathaniel P. Saunders,	William Sterett—13.
Abijah Gilbert,		

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	Overton P. Hogan,	Robert A. Patterson,
James P. Barbour,	John C. Kouns,	Hamilton Pope,
Joshua Buster,	Thomas P. Linthicum,	Camden Riley,
Walter Chiles,	William N. Marshall,	John W. Ritter,
Sam. Daviess Delany,	Daniel Morgan,	Thomas Rouse,
Richard C. Graves,	Fitch Munger,	Robert S. Russell—19.
James W. Hays,		

The thirteenth section of said article was amended, to read as follows, viz:

§ 13. Any person guilty of receiving a bribe for his vote at an election, shall be fined from fifty to one thousand dollars, or imprisoned from one to twelve months, or both so fined and imprisoned.

1. "Bribe" or "bribery," means any reward, benefit, or advantage, present or future, to the party influenced, or intended to be influenced, or to another at his instance or the direct promise of such reward, benefit, or advantage.

2. *Money, or other thing of value, given or lent, in whole or in part, to be betted on the result of an election, or the promise thereof; and the gift or promise of a share in any such bet, made or to be made, shall be deemed a bribe.* So, also, shall money, or other thing of value, or other benefit given, paid, lent, or promised for treating or procuring the treating of voters before or during an election, with a view of influencing votes to be given, be deemed a bribe.

3. Whoever shall receive money, or other thing of value, to be used for the purpose of procuring or influencing a vote or votes in any way, shall be deemed to have been bribed.

Mr. Pope moved to amend said section, by striking out all that part of the second clause printed in italics.

And the question being taken thereon, it was decided in the affirmative.

Mr. Linthicum moved to insert in lieu of that part stricken out, the following, viz:

Money, or other thing of value, given or lent to a person entitled to vote in the election, to be betted on the result of such election, with the gift or promise of a share in any such bet made or to be made, shall be deemed a bribe.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Linthicum and O. P. Hogan, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
William C. Bullock,	Overton P. Hogan,	John W. Ritter,
Joshua Buster,	John C. Kouns,	James M. Shepard—11.
Sam. Daviess Delany,	Thomas P. Linthicum,	

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John W. Leathers,	Robert S. Russell,
John P. Bruce,	Hamilton Pope,	Berry Smith,
John Eaker,	Camden Riley,	Thomas J. Smith—13.
James W. Irwin,		

And then the Senate adjourned.

TUESDAY, FEBRUARY 11, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act concerning the Treasurer of Graves county.

An act to run and re-mark the boundary lines between the counties of Lewis and Mason.

An act to condemn land in Fleming county for a burial ground.

An act for the benefit of the Board of Trustees of Common Schools for the city of Covington.

An act for the benefit of the widow and heirs at law of Samuel Scott, deceased.

That they had passed bills of the following titles, viz:

An act incorporating the German Lutheran Presbyterian St. John's Church, in Newport.

An act authorizing the Trustees of Winchester to sell the public spring lot in said town.

An act authorizing the sale of certain streets in the town of Glasgow.

An act to change the corporate limits of the town of Moscow, in Hickman county.

An act further to regulate the town of Bowlinggreen.

An act to incorporate Georgetown Chapter, No. 13, of Free and Accepted Masons, and to amend an act incorporating Mount Vernon Lodge, No. 14.

An act to incorporate the Union Hotel Company, in Louisville.

An act to incorporate Sligo Division, No 18, Sons of Temperance, in Henry county.

An act to amend an act appointing Trustees for Moscow Seminary, in Hickman county.

1. Mr. Young presented the petition of sundry citizens of Bath and Fleming counties, praying the passage of a law to remove the mill dams, and other obstructions on Licking river, from the mouth of Slate down said river.

2. Mr. Gilbert presented a memorial from sundry citizens of Estill county, in relation to the removal of the county seat of Owsley county.

Which petition and memorial were received, the reading dispensed with, and referred—the 1st to the committee on Internal Improvement; and the 2d to the committee on Propositions and Grievances.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act providing for an election to be held for the location of the county seat of Owsley county.

2. An act to surrender to the counties through which the Owingsville and Big Sandy Turnpike Road runs, the control of said road, and declare the same a county road.

3. An act to repeal, in part, the law establishing the road from London, by the way of Williamsburg, to the Tennessee line.

4. An act in relation to Flint Island School District, No. 5, in Breckinridge county.

5. An act to regulate the commissions of Sheriffs on the collection of taxes imposed by County Courts on the *ad valorem* principle.

6. An act to incorporate the Medico Chirurgical Society, of the Kentucky School of Medicine, in the city of Louisville.

7. An act to amend an act, entitled, an act to incorporate the town of Lancaster.

8. An act for the benefit of Asbury Chapel, in the city of Louisville.

9. An act for the benefit of the Portland Dry Dock and Insurance Company.

10. An act to extend the corporate limits of Newport.

11. An act to amend the charter of East Maysville, in Mason county.

12. An act amending an act for the benefit of Mary Ridge and Maria Davenport, approved February 9, 1850.

13. An act to incorporate Wildey Lodge, No. 40, Independent Order of Odd Fellows.

14. An act to incorporate Green River Lodge, No. 54, Independent Order of Odd Fellows, in Hopkinsville.

15. An act to change the time of holding the Court of Claims in Fayette county.

16. An act to incorporate Hickman Lodge, No. 131, of Free and Accepted Masons.

17. An act incorporating the United Baptist Church, in Taylor county.

18. An act for the benefit of Alfred F. Gowdey, Clerk of the Taylor County Court.

19. An act to change Magistrates' and Constables' districts, No. 4, in Green; No. 1, in Crittenden; and the Lewisburg and Maysville district, in Mason county.

20. An act to establish the office of Town Marshal, in the town of Independence, in the county of Kenton.

21. An act to charter the Louisville Homœpathic College of Medicine.

22. An act to amend the road law in Pendleton county.

23. An act to amend an act incorporating the Crab Orchard and Crew's Knob Turnpike Road Company, approved March 6, 1850.

24. An act to incorporate the Acolian Building Company of the town of Bowlinggreen.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st and 19th were referred to the committee on Propositions and Grievances; the 2d, 3d, 22d, and 23d to the committee on Internal Improvement; the 4th, 6th, and 21st to the committee on Education; the 5th and 18th to the committee on Finance; the 7th, 9th, 10th, 11th, 12th, 13th, 14th, 16th, 20th, and 24th to the committee on the Judiciary; the 15th to the committee on County Courts; the 17th to the committee on Religion; and the 8th was ordered to be read a third time.

The constitutional provision as to the third reading of the 8th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from a select committee, reported a bill for the benefit of Mrs. Ann Ellis, of Todd county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Executive Department,
Frankfort, Feb. 11, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent,

James Frazer, to be Sheriff of Lincoln county, in the place of Ephraim Pennington, resigned.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to equalize the compensation for the collection of the revenue tax, were taken up, and twice read.

Mr. Pope moved to lay said bill and amendments on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Bullock, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Hamilton Pope,
Camden M. Ballard,	Thomas P. Linthicum,	John W. Ritter,
Wm. C, Bullock,	Fitch Munger,	James M. Shepard—10.
Richard C. Graves,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Camden Riley,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
Joshua Buster,	Alfred Johnston,	Berry Smith,
Walter Chiles,	John C. Kouns,	Thomas J. Smith,
Sam. Daviess Delany,	John W. Leathers,	William Sterett,
John Eaker,	William N. Marshall,	Thomas I. Young—23.
Abijah Gilbert,	Robert A. Patterson,	

The question was then taken on concurring in the first amendment, and it was decided in the negative; so the said amendment was disagreed to.

The second section of said bill reads as follows, viz:

§ 2. That the sheriffs of the several counties of this commonwealth shall receive, for collecting the revenue, the followig commissions, to-wit: On every dollar collected, until the revenue reaches one thousand dollars, *eight* cents; on every dollar, after the first one thousand dollars, and until the revenue reaches two thousand dollars, six cents; on every

dollar, after two thousand dollars, and until the revenue reaches three thousand dollars, five cents; on every dollar, after three thousand dollars, and until the revenue reaches four thousand dollars, four cents; and on every dollar, above four thousand dollars, three cents.

The second amendment proposes to strike out *eight*, printed in italics, and insert in lieu thereof *ten*.

And the question being taken on concurring in said amendment, it was decided in the negative; so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Pope and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Robert A. Patterson,
Camden M. Ballard,	Overton P. Hogan,	Camden Riley,
James P. Barbour,	Alfred Johnston,	Berry Smith,
John P. Bruce,	John C. Kouns,	William Sterett,
Sam. Daviess Delany,	John W. Leathers,	Thomas I. Young—17.
John Eaker,	Fitch Munger,	

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Thomas Rouse,
William C. Bullock,	James W. Irwin,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	William N. Marshall,	James M. Shepard,
Richard C. Graves,	Hamilton Pope,	Thomas J. Smith—17.
James W. Hays,	John W. Ritter,	

The amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act requiring assessors of tax to return the names and post offices of the deaf and dumb children in the several counties, was taken up, twice read, and concurred in.

The amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to provide for the payment of the interest of the school fund, was taken up.

Mr. O. P. Hogan moved to postpone the further consideration thereof until Thursday next, at 11 o'clock.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Hays, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John C. Kouns,	Nathaniel P. Saunders,
John P. Bruce,	William N. Marshall,	Berry Smith,
Joshua Buster,	Fitch Munger,	Thomas J. Smith,
James W. Hays,	Robert A. Patterson,	William Sterett,
Elihu Hogan,	Hamilton Pope,	Thomas I. Young—17.
Overton P. Hogan,	Robert S. Russell,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Thomas P. Linthicum,
Camden M. Ballard,	Richard C. Graves,	Camden Riley,
James P. Barbour,	James W. Irwin,	John W. Ritter,
William C. Bullock,	Alfred Johnston,	Thomas Rouse,
John Eaker,	John W. Leathers,	James M. Shepard—15.

The Senate resumed the consideration of the bill to regulate the election laws.

The 25th section of article 12th of said bill reads as follows, viz:

An informer shall receive a third, and the commonwealth's attorney a fifth, of any penalty recovered under this act.

Mr. Graves moved to strike out all that part of said section printed in italics.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Pope, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Overton P. Hogan,	Hamilton Pope,
Hall Anderson,	James W. Irwin,	Camden Riley,
Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
James P. Barbour,	John W. Leathers,	Thomas Rouse,
Wlliam C. Bullock,	William N. Marshall,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Daniel Morgan,	Berry Smith,
John Eaker,	Fitch Munger,	Thomas J. Smith,
Richard C. Graves,	Robert A. Patterson,	William Sterret—24.

Those who voted in the negative, were

Joshua Buster,	James W. Hays,	Thomas P. Linthicum,
Walter Chiles,	Elihu Hogan,	James M. Shepard,
Abijah Gilbert,	John C. Kouns,	Thomas I. Young—9.

Mr. O. P. Hogan moved to amend said bill, by adding to the second section of the third article the following proviso, viz:

Provided, That the court, in appointing officers of elections, shall appoint an equal number from each of the political parties, (whig and democrat,) so long as said parties shall continue in this state.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ritter and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Wm. N. Marshall,
Hall Anderson,	James W. Hays,	Daniel Morgan,
Camden M. Ballard,	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
Wm. C. Bullock,	James W. Irwin,	Nathaniel P. Saunders,
Joshua Buster,	Alfred Johnston,	James M. Shepard,
Walter Chiles,	John C. Kouns,	Berry Smith,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith,
John Eaker,	Thomas P. Linthicum,	William Sterett—27.

Those who voted in the negative, were

John W. Ritter, Robert S. Russell, Thomas I. Young—3.

Mr. Irwin moved to strike out the 6th section, and first clause of the 6th article of said bill, and insert in lieu thereof the following, viz:

That when a vacancy shall occur in the office of any presiding judge in this commonwealth, within the first three years for which he may have been elected to said office, it shall be the duty of the clerk of the county court, or in his absence the clerk of the circuit court, to issue a writ of election, directed to the sheriff of his county, who shall proceed to hold an election by the qualified voters of his said county, (after having given due notice,) according to the rules and regulations for electing county judges; but if the vacancy shall be for a less period than one year, then the clerk of the county or circuit court shall notify all the magistrates of his said county that a vacancy has occurred, and requiring the said justices to convene at the court house to fill said vacancy.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Nathaniel P. Saunders,
John P. Bruce,	John C. Kouns,	James M. Shepard,
William C. Bullock,	John W. Leathers,	Berry Smith,
Joshua Buster,	Daniel Morgan,	Thomas J. Smith,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterett,
Abijah Gilbert,	Hamilton Pope,	Thomas I. Young—25.
James W. Hays,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John Eaker,	Thomas P. Linthicum,
Walter Chiles,	Overton P. Hogan,	John W. Ritter—6.

Mr. Irwin moved to strike out the 12th article of said bill, as amended, which reads as follows, viz:

§ 1. Any sheriff who fails to cause an election to be held, or in making, comparing, and certifying election returns, for senator or representative as required by law, shall be fined from two hundred to a thousand dollars. If he fails to perform any other duty concerning an election, or the returns thereof, for which there is no penalty specifically prescribed, he shall be fined from twenty to two hundred dollars.

§ 2. Any judge or clerk of an election, who, after due notice of his appointment, shall fail to perform his duty as such in holding any election—unless from sickness, or absence from the county, or sufficient excuse—shall be fined from ten to one hundred dollars.

§ 3. Any officer, who, without sufficient excuse, fails to discharge his duty after any election as one of a board for comparing the poll books or election returns, or to decide a contested election, shall be fined from twenty to one thousand dollars.

Any officer, who shall act corruptly, and with willful and manifest

partiality in the discharge of such duty, shall be imprisoned from six to twelve months, and fined from five hundred to a thousand dollars; and shall, also, in addition to either penalty, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 4. Any officer or other person, who shall alter, obliterate, or willfully secrete, suppress, or destroy the certified poll book or certificate of an election, or unlawfully alter the poll book before it is certified, shall be deemed guilty of forgery, be confined in the penitentiary from one to five years, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 5. Any officer, who shall make or aid in making, or authorize the making up of any false and fraudulent poll book or certificate of an election or election return, shall incur the penalties of the last section.

§ 6. Any officer whose duty it is to give or aid in giving a certificate of election or of the returns of an election, or to forward the same, who shall willfully and fraudulently refuse or fail to give the same, or to send the same to the secretary of state, as required by law, shall be imprisoned from one to twelve months, fined from five hundred to a thousand dollars, forfeit any office he may then hold, and be disqualified from ever holding any office.

§ 7. Any person, who shall counsel, advise, or procure the commission, or aid in the commission of either of the offenses named in the last two sections, shall incur thereby the penalty therefor as therein named.

§ 8. Any judge, sheriff, or clerk, who shall receive and record, or cause to be recorded a vote at an election at any other time or place than that lawfully appointed, and any judge or sheriff who shall knowingly and unlawfully receive the vote of any other than a qualified voter, or so refuse to receive the vote of a qualified voter, shall, for every such offense, be imprisoned from one to six months, fined from fifty to five hundred dollars, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 9. Any officer of an election, who shall be guilty of any willful neglect of his duty as such, or of any corrupt conduct or manifest partiality in the execution of the same—not herein otherwise provided for—shall be fined not more than five hundred dollars or imprisoned not more than six months, or both so fined and imprisoned.

§ 10. Any resident of this state, who shall vote at any election, before he has resided two years in the state, or, in the county and precinct where the election is held, the time required by law, or before he has attained full age, or before he has been duly naturalized, shall be fined from fifty to one hundred dollars, or imprisoned from ten to ninety days, or both.

§ 11. Any person not a citizen of this state who shall fraudulently attempt to vote at an election in this state; any person, who shall vote or fraudulently attempt to vote more than once at an election; any person, who shall vote or attempt to vote by means of a false personation and use of the naturalization papers of another person, dead or living; and any person who shall lend or hire his naturalization papers to be used for such purpose, shall be imprisoned not less than one year and fined not more than five hundred dollars.

§ 12. Any one, who shall knowingly and fraudulently procure or advise another to commit either of the offenses named in the last two sec-

tions, shall be fined not more than five hundred dollars, or imprisoned from six to twelve months, or both so fined and imprisoned.

§ 13. Any person guilty of receiving a bribe for his vote at an election, shall be fined from fifty to one thousand dollars, or imprisoned from one to twelve months, or both so fined and imprisoned.

1. "Bribe" or bribery" means any reward, benefit, or advantage, present or future, to the party influenced or intended to be influenced, or to another at his instance, or the direct promise of such reward, benefit, or advantage.

2. Money, or other thing of value, or other benefit given, paid, lent, or promised for treating or procuring the treating of voters before or during an election, with a view of influencing votes to be given, shall be deemed a bribe.

3. Whoever shall receive money, or other thing of value, to be used for the purpose of influencing a vote or votes in any way, shall be deemed to have been bribed.

§ 14. Whoever shall bribe another or offer to bribe another as in the last section named, shall, on conviction, be fined from twenty to five hundred dollars, or imprisoned from ten to ninety days, or both so fined and imprisoned.

§ 15. Whoever shall obtain or solicit any subscription or contribution, or the promise thereof, for the purpose of aiding or promoting, in any way whatever, the election of any person or persons, or receive any contribution to be used in that way, shall incur the penalties of the last section; except that it shall be lawful to raise by subscription, or otherwise, money for defraying, in good faith, the expense of publishing hand bills or printed papers.

§ 16. Whoever shall contribute money, or other thing of value, or give a promise thereof, contrary to the last section, shall be fined from fifty to two hundred dollars.

§ 17. Any person, who, by himself or in aid of others, shall forcibly break up or prevent, or attempt to break up or prevent, the lawful holding of an election, or so obstruct or attempt to obstruct the same, or so prevent or attempt to prevent any qualified voter from giving his vote, shall be fined from fifty to five hundred dollars, and imprisoned not more than one year.

§ 18. Any person, who shall make any willfully false statement under an oath duly administered at an election, shall be deemed guilty of perjury, and incur the penalty for that crime.

Any person, who shall willfully and corruptly procure another to make such false statement, shall be deemed guilty of subornation of perjury, and incur the penalty.

§ 19. Any person condemned to confinement in the penitentiary for larceny, robbery, forgery, counterfeiting, or perjury, or any such like crime, shall forfeit his right of suffrage for ten years after his conviction.

§ 20. It shall be the special duty of each sheriff, judge, and clerk of an election to give information of all infractions of this act to the grand jury, or commonwealth's attorney; and, where there is reason to fear that an offender will make his escape out of the county before indictment, to procure his immediate apprehension.

The officer before whom such offender is brought, shall require from him surety in adequate penalty for his appearance at the next circuit

court, to answer the charge; and, on his failure to give it, commit him to prison till surety is given.

§ 21. This act shall be liberally construed so as to prevent any evasion of its prohibitions and penalties by shift or device, and so as the better to effectuate the intention of the people of Kentucky, as declared in their constitution, that their elections should be kept pure and uncorrupted from "all undue influence thereon by power, bribery, tumult, or other improper practices."

It shall, also, be given specially in charge to the grand jury of every county first convened after any general election.

§ 22. A grand jury may cause any person to be summoned before them as a witness, who shall be compelled to testify as to any knowledge he may possess, touching any violation of law in relation to elections in the county during the preceding eighteen months; and if he refuses to testify on oath, he shall be committed to prison until he submits, and be fined from ten to thirty dollars by the court, and a like sum for each daily repetition of the contempt.

§ 23. In any prosecution under this act, it shall be no exemption for a witness that his testimony may criminate himself; but no such testimony given by a witness, shall be used against him in any prosecution, except for perjury; and if used on behalf of the commonwealth, he shall stand discharged from all penalty for any violation of this act, so necessarily disclosed in his testimony, as tending to convict the accused.

§ 24. No prosecution shall be had under this act, unless the same is commenced within twelve months from the time of the commission of the offense.

§ 25. The commonwealth's attorney shall receive one third of any fine assessed and collected under this act, whenever he prosecutes the offender.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Graves, were as follows, viz:

Those who voted in the affirmative, were—

Hall Anderson,	James W. Irwin,	William Sterett—3.

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	James W. Hays,	Hamilton Pope,
Camden M. Ballard,	Overton P. Hogan,	Camden Riley,
James P. Barbour,	Alfred Johnston,	John W. Ritter,
William C. Bullock,	John C. Kouns,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	William N. Marshall,	Thomas J. Smith,
John Eaker,	Fitch Munger,	Thomas I. Young—26.
Richard C. Graves,	Robert A. Patterson,	

Ordered, That said bill be engrossed and read a third time, as amended.

On motion of Mr. Linthicum,

Ordered, That said bill have its third reading on Saturday next at 10 o'clock.

A bill to provide for the appointment of Circuit Court Judges, *pro tem.*, was taken up.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 12, 1851.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to bills from that House, of the following titles, viz:

An act for the benefit of the Trustees of Waidsboro'.

An act providing for the election of certain officers in the town of Paducah.

An act to regulate tolls on turnpike roads in Kenton county.

An act to incorporate Mayfield Lodge, No. 146, of Free and Accepted Masons.

That they had passed bills from the Senate, of the following titles, viz:

An act to repeal an act for the benefit of Charles Rice, Sheriff of Carter county, approved December 18, 1850.

An act to change the place of voting in the fifth district, for the election of Justices of the Peace and Constables in Trigg county.

An act to allow an additional Magistrates' and Constables' district in the county of Barren.

An act to repeal an act, entitled, an act to establish an additional Justices' and Constables' district in Fulton county.

That they had passed bills of the following titles, viz:

An act authorizing the sale of certain streets and an alley in the town of Russellville.

An act changing the spring term of the Calloway and Graves Circuit Courts.

Mr. Pope, from the committee on the Judiciary, reported a bill to establish a Code of Practice in civil cases in the Courts of this Commonwealth, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order for Thursday, the 20th inst.

Mr. Pope, from the same committee, reported a bill to incorporate the Grand Temple of Honor, of the State of Kentucky, and the subordinate Temples, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Anderson and Pope, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Hamilton Pope,
Camden M. Ballard,	Elihu Hogan,	Camden Riley,
James P. Barbour,	James W. Irwin,	John W. Ritter,
Wm. C. Bullock,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John C. Kouns,	Nathaniel P. Saunders,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith,
John Eaker,	Fitch Munger,	William Sterett—26.
Richard C. Graves,	Robert A. Patterson,	

Those who voted in the negative, were

Hall Anderson,	John W. Leathers,	Robert S. Russell,
John P. Bruce,	William N. Marshall,	Thomas I. Young—7.
Overton P. Hogan,		

Resolved, That the title of said bill be as aforesaid.

Mr. Hays, from the same committee, to whom was referred the petition of John C. Andrews, praying the passage of a law for the benefit of Virginia P. Wines; also, the memorial of S. Tho. Hauser, and others, in relation to the free negro population of this State, asked to be discharged from the further consideration thereof, which was granted.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Charles P. Tate, late Sheriff of Casey county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Chiles, from the same committee, to whom were referred the petition and remonstranee of sundry citizens of Campbellsville, in relation to an amendment of the charter of said town, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said petition and remonstrance be referred to the committee on the Judiciary.

Mr. Chiles, from the same committee, reported a bill to provide for the payment of State bonds and coupons that are lost, which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when the owner of any bond, issued by the State, shall make affidavit that the same is lost, and shall execute bonds, with two or more freehold securities, to the satisfaction of the First Auditor, it shall be the duty of said Auditor to issue a *duplicate* bond therefor, stating therein that it is a duplicate.

Be it further enacted, That when it in like manner appears, from the books of the First Auditor, that any *coupons* that now are, or hereafter may become due, remain unpaid, and the owner thereof shall make affidavit of the ownership and loss thereof, and give bond, with not less than two freehold securities, to be approved by said Auditor, said Auditor shall issue a duplicate *coupon*, (setting forth that it is a duplicate,) which shall be paid by the Treasurer of the State. The condition of the bonds required herein, shall be to refund the amount of said bonds or coupons, with interest from the date of payment, if they shall have been improperly issued. If said bond or coupons belong to a number of persons, either of the owners may make the oath, and give the bond as required herein.

Ordered, That said bill be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Saunders, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Camden Riley,
Hall Anderson,	Alfred Johnston,	John W. Ritter,
William C. Bullock,	John C. Kouns,	Thomas Rouse,
Walter Chiles,	John W. Leathers,	Robert S. Russell,
Sam. Daviess Delany,	Thomas P. Linthicum,	James M. Shepard,

John Eaker,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	Daniel Morgan,	Thomas J. Smith,
James W. Hays,	Robert A. Patterson,	William Sterett—26.
Elihu Hogan,	Hamilton Pope,	

Those who voted in the negative, were

Camden M. Ballard,	Joshua Buster,	Nathaniel P. Saunders,
James P. Barbour,	Overton P. Hogan,	Thomas I. Young—6.

Resolved, That the title of said bill be as aforesaid.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill to incorporate the Fall's City Insurance Company, at Louisville.

By Mr. Hays, from the same committee—A bill to amend an act, entitled, an act to incorporate the Columbus Fire, Life, and Marine Insurance Company.

By same—A bill to amend an act, entitled, an act to incorporate the Hopkinsville Fire, Life, and Marine Insurance Company.

By Mr. Munger, from the committee on the Judiciary—A bill in relation to the city of Newport.

By Mr. Bruce, from the committee on Internal Improvement—A bill to incorporate the Narrow's Bridge Company.

By Mr. Eaker, from the committee on Finance—A bill for the benefit of Abraham Boyd, of Trigg county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Barbour, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the House of Representatives, entitled,

An act for the benefit of School District, No. 1, in Lawrence county.

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Barbour reported that the committee had performed that duty.

Mr. Eaker moved the following resolution, viz:

Resolved, That a committee of six, composed of two from each of the committees of Finance, Sinking Fund, and Internal Improvement, be appointed to take into consideration the propriety of abolishing the office of Second Auditor; of prescribing the duties and responsibilities

of the Auditor of Public Accounts, and of extending the duties of the Commissioners of the Sinking Fund; and that they report by bill or otherwise.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Hamilton Pope,
Hall Anderson,	Elihu Hogan,	John W. Ritter,
Camden M. Ballard,	Overton P. Hogan,	Thomas Rouse,
James P. Barbour,	James W. Irwin,	Robert S. Russell,
William C. Bullock,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	James M. Shepard,
Walter Chiles,	John W. Leathers,	Berry Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	Thomas J. Smith,
John Eaker,	Beriah Magoffin,	William Sterret,
Abijah Gilbert,	Daniel Morgan,	Thomas I. Young—32.
Richard C. Graves,	Fitch Munger,	

In the negative—Robert A. Patterson.

Whereupon, Messrs. Eaker, Chiles, Munger, Shepard, Hays, and Leathers, were appointed the committee in pursuance of said resolution.

The Senate, according to order, took up for consideration a bill providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein.

Ordered, That the further consideration of said bill be postponed, and made the special order for Wednesday, the 19th inst.

The Senate, according to order, resolved itself into a committee of the whole, Mr. O. P. Hogan in the Chair, on the bill appropriating money to complete the improvement of the rivers and turnpike roads, and subscribing stock in railroads, and to submit the same to the people, together with the amendments proposed thereto by the committee of the whole, and the substitute therefor reported by the select committee; and after some time spent therein, the Speaker resumed the Chair, when Mr. Hogan reported that the committee had, according to order, had under consideration the bill, amendments, and substitute aforesaid, and had instructed him to report the same to the Senate.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of $200,000 be, and it is hereby, appropriated to the Kentucky river, for the purpose of continuing the slackwater navigation thereof; $200,000 to perfect the slackwater navigation of Green and Barren rivers; $200,000 to complete the unfinished turnpike roads; $500,000 towards the construction of a railroad from Louisville towards Tennessee, in the direction of Nashville; $500,000 for a railroad from

Lexington, in the direction of the Virginia line; $200,000 to a railroad from the Louisville and Frankfort railroad, in the direction of Cumberland Gap; $200,000 to the railroad from Lexington to Covington, and $100,000 to Licking river, $500,000 to a Railroad from Louisville to the Mississippi river.

§ 2. That it shall be the duty of the several sheriffs within this commonwealth, to cause a poll to be opened at the various election precincts within their counties, at the election to be held in August next, and to propound to each qualified voter proposing to vote, the question —"are you or not in favor of the appropriations made by this act, and raising an annual tax sufficient to pay the interest thereon?" and each vote to be properly recorded and certified by him to the secretary of state, within the time now fixed by law for making election returns; and, for a failure to do so by any sheriff, he shall be subject to a fine of $500, recoverable in the general court, or any circuit court, in the name of the commonwealth; and, when made, the same shall be paid into the treasury of this commonwealth, for the use of common schools.

§ 3. That in the event a majority of the people of this commonwealth shall, at said election, vote for the sums hereby appropriated, and paying the interest thereon by taxation, as herein directed, the governor of this commonwealth for the time being shall cause to be issued the bonds of this state for the amount of said sums, for principal and interest—the bonds for principal payable in not more than thirty years—those for interest payable yearly—to be indorsed by the governor, secretary of state, and treasurer, and recorded in the offices of said secretary of state and treasurer; and, when so indorsed and recorded, the said governor shall cause the bonds for principal to be sold for the best price that can be obtained therefor, and pay over the proceeds into the public treasury, reporting the same to the general assembly next thereafter assembling.

§ 4. That when said bonds are so sold, it shall be the duty of the board of internal improvement to cause the sums hereby appropriated to the turnpike roads and rivers to be applied to their improvement, and the duty of the governor to subscribe to each of the railroads mentioned in this act, the sums hereby appropriated to them, and pay the same over to the managers thereof, in such manner and sums as may be called by them.

The amendments of the committee of the whole propose to add to the first section of said bill the following, viz:

For the improvement of the Cumberland river, $200,000; to improve the navigation of Tradewater river, $100,000; to a Railroad from Henderson to Nashville, $100,000; to a Railroad from Danville to Bardstown, $200,000; to Rough creek, $100,000; to the improvement of Cumberland river, $250,000, beginning at the mouth thereof; to the completion of the Logan, Todd, and Christian Turnpike Road, $80,000; to the completion of the Turnpike road from Louisville to Bowlinggreen, by way of Elizabethtown and Munfordville, $100,000; to improve the navigation of the South fork of Cumberland river, up to Dick's coal banks, in Wayne county, $25,000; to the improvement of Little river, in Trigg county, $100,000; to a Railroad from Cynthiana to Lexington, by the direct route, $50,000; to the Covington and Lexington Railroad, by the Paris route, in addition, $100,000; to a Turnpike from Westport, through La-

grange, to intersect the Louisville and Frankfort turnpike road, at or near Shelbyville, $50,000.

The amendment, as a substitute for said bill and amendments, reported by the select committee, was amended, to read as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of $500,000 be and it is hereby appropriated to a railroad from Louisville to the Tennessee line, in the direction of Nashville; $200,000 to the railroad from Lexington to Maysville; $300,000 to a railroad from Maysville to the Big Sandy river; 200,000 to the railroad from Lexington to Covington; $900,000 to a railroad from Louisville, or from some point on the Louisville and Nashville road, to the Mississippi river, in this state; and $100,000 to a railroad from the Louisville and Frankfort railroad to Danville; for which several amounts the governor for the time being may cause bonds to be issued, bearing interest at the rate of six per centum per annum, from date—those for principal payable in 30 years, and those for interest, yearly—signed by him, the secretary of state, and treasurer, and recorded in the office of said secretary and treasurer, to be delivered and applied to each road, as hereinafter directed.

§ 2. That before the governor shall cause said bonds to be issued, this act, at the next general election in August, shall be submitted to the people; and it shall be the duty of the sheriffs in the several counties in this commonwealth to cause a poll to be opened at the various election precincts within their counties, at said election, and to propound to each qualified voter proposing to vote, the question, "are you or not in favor of the appropriations made by this act, and raising an annual tax sufficient to pay the interest thereon, and to discharge the debt within thirty years?" and each vote to be truly recorded, and certified by him to the secretary of state, within the time fixed by law for making election returns, who shall file and preserve the same; and for a failure of any sheriff to discharge the duty hereby imposed, he shall be subject and liable to a fine of $500, recoverable in the general court, or any circuit court, with costs, in the name of the commonwealth, at the instance of the auditor; and when made and satisfied, the same shall be paid into the treasury of this commonwealth, for the use of common schools.

§ 3. That in the event a majority of those voting shall vote at said election in favor of the appropriations made by this act, and an annual tax sufficient to pay the said interest, and to discharge the amount of said appropriations within the 30 years, then the governor shall issue the bonds provided for in the first section of this act, as directed therein.

§ 4. That when any company on any one of the railroads mentioned in this act, shall have subscribed, paid in, and expended in constructing the same, an amount equal to the sum hereby appropriated to that road by the first section of this act, then, upon being satisfied thereof, the governor shall subscribe to that road the amount hereby appropriated to it, and deliver, in payment of said subscription, the bond directed to be issued by this act, to the managers thereof, who shall sell the same and apply the proceeds to the completion of the road.

§ 5. That when the said governor shall make the subscription and deliver the bond aforesaid, this commonwealth shall be held and considered a stockholder in the road, to that extent.

Mr. Barbour moved to lay said bill and amendments on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barbour and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Abijah Gilbert,	Thomas Rouse,
Camden M. Ballard,	James W. Irwin,	Nathaniel P. Saunders,
James P. Barbour,	Alfred Johnston,	Berry Smith,
Wm. C. Bullock,	John C. Kouns,	Thomas J. Smith,
Joshua Buster,	Robert A. Patterson,	William Sterett,
Sam. Daviess Delany,	Camden Riley,	Thomas I. Young—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Fitch Munger,
John P. Bruce,	Overton P. Hogan,	Hamilton Pope,
Walter Chiles,	John W. Leathers,	John W. Ritter,
John Eaker,	Thomas P. Linthicum,	Robert S. Russell,
James W. Hays,	Beriah Magoffin,	James M. Shepard—15.

The resolutions in relation to the public lands, read and laid on the table by Mr. Bruce, from the committee on Internal Improvement, on the 1st inst., were taken up.

Ordered, That said resolutions be re-committed to the committee on Internal Improvement.

The Senate, according to order, resolved itself into a committee of the whole, Mr. Irwin in the Chair, on the bill to revise the Statutes; and after some time spent therein, the Speaker resumed the Chair, when Mr. Irwin reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again, which was granted.

And then the Senate adjourned.

THURSDAY, FEBRUARY 13, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to provide for the interment of the remains of the Kentuckians who fell at Raisin.

An act to incorporate Germantown Lodge, No. 207, of Free and Accepted Masons.

An act to incorporate the Fredonia Cumberland Presbyterian Church, in Caldwell county.

An act for the benefit of John G. Parks, Clerk of the Nicholas County Court.

An act to incorporate Bullitt Royal Arch Chapter, No. 44.

An act to amend the charter of the Lexington and Danville Railroad Company.

An act to authorize the Shelby County Court to sell and convey the Poor House in said county.

That they had passed bills of the following titles, viz:

An act to apportion representation.

An act to incorporate the Louisville Paper Mill.

An act to incorporate the Cumberland Presbyterian Church, in the town of Paducah.

An act to incorporate Hobson Lodge, No. 63, Independent Order of Odd Fellows.

An act to incorporate the Carrollton Library Society.

1. Mr. T. J. Smith presented the petition of sundry citizens of the town of Bowlinggreen, praying the passage of a law to repeal an act of last session enlarging the limits of said town.

2. Mr. Young presented the remonstrance of sundry citizens of the town of Prestonsburg, against the repeal of an act of last session prohibiting the sale of spirituous liquors in said town.

3. Mr. Munger presented the petition of sundry citizens of the fifth Magistrates' district, in Nicholas county, praying the passage of a law to change the place of voting in said district.

4. Mr. Munger also presented a remonstrance against said change.

5. Mr. Speaker (Grey) presented the petition of sundry citizens of the fourth Magistrates' district, in Christian county, praying the passage of a law to change the place of voting in said district.

Which petitions and remonstrances were received, the readings dispensed with, and referred—the 1st, 2d, 3d, and 4th to the committee on Propositions and Grievances; and the 5th to the committee on the Judiciary.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the Sheriffs of Bullitt county.

An act for the benefit of the Sheriffs of Hopkins and Logan counties.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Munger, from the committee on the Sinking Fund, to whom was referred a resolution of inquiry as to the propriety of passing a law for the investment of any balanee in the Sinking Fund, after paying all demands, asked to be discharged from the further consideration thereof, which was granted.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled,

An act for the benefit of the securities of James White, Deputy Sheriff of Mason county.

Said bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. O. P. Hogan, from the select committee to whom was referred a bill to amend the exemption laws, reported the same with amendments, which were concurred in.

Said bill was amended to read as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any excution of *fieri facias*, or attachment for debt or fee bill shall hereafter be levied on the property of any defendant or defendants therein, it shall be lawful for said defendant or defendants to elect, to keep, and retain any property now subject to execution, upon giving up for sale, under said execution, an equal amount in value of property now exempt by law from said execution; and, in order to fix the value of the property so about to be given up on the one hand, and retained on the other, it shall be lawful for the plaintiff and defendant each to select a disinterested citizen of said county to value the same, under oath, to be administered by the officer; and, in case of their disagreement, for the officer to act as umpire beteen them; and, in case of the absence of either, or of the failure of either or both to select such valuers, the officer shall appoint them; wherepon, it shall be lawful for said officer to sell said property retained, and the said defendant shall be permitted to hold and retain, as exempt from that and any other execution, or attachment for debt or fee bill, the property so selected by him; all of which facts shall be returned by the officer on his said execution; and it shall be the duty of said officer to give to said defendant or defendants a certified list of the property so reserved and retained by him or them; and if any oficer, with notice thereof,

shall levy on or sell said property, he shall be liable to the same actions as if he had levied on or sold the property originally exempt from execution.

§ 2. That as to all contracts hereafter made, and as to all causes of action hereafter arising, in lieu of the specific property now exempt from execution, there shall be exempt from execution or *distress*, property to be selected by each defendant in execution, if a married person or housekeeper, to the amount and value of two hundred and fifty dollars, and provisions and fuel sufficient for the family six months.

§ 3. That whenever any person shall hereafter die, leaving a family and no provisions on hand for the support of said family for six months, and no live stock out of which to take the same, it shall be lawful for the executor or administrator of said decedent to have valued, by two disinterested housekeepers, of no kin to the decedent or his family, under oath, a suffieient amount in value of the other property of said decedent, to support and maintain his family for six months; and the same shall not be assets in the hands of any representative of said decedent, for the payment of his debts: *Provided*, that the property herein exempetd from sale under execution or distress shall be subject to sale, to pay the revenue tax and county levy, as heretofore: *Provided further*, that this act shall not operate so as to change the law between landlord and tenant.

Mr. Eaker moved to strike out the second section of said bill.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leathers and Young, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Alfred Johnston,	Camden Riley,
James P. Barbour,	Thomas P. Linthicum,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
John Eaker,	Fitch Munger,	Berry Smith,
Abijah Gilbert,	Robert A. Patterson,	William Sterett—16.
James W. Hays,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
Hall Anderson,	James W. Irwin,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
William C. Bullock,	John W. Leathers,	Thomas J. Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas I. Young—16.
Elihu Hogan,		

The Senate again resolved itself into a committee of the whole, Mr. Irwin in the Chair, on the bill to revise the Statutes; and after some time spent therein, the Speaker resumed the Chair, when Mr. Irwin reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the same to the Senate, with sundry amendments, which he handed in at the Clerk's table.

Said amendments were then concurred in.

Mr. Magoffin moved to strike out the 12th section of the 12th chapter of said bill, which reads as follows, viz:

§ 12. No attorney engaged in the profession or practice of law, shall be appointed by the county court a commissioner to settle the accounts of executors, administrators, or guardians, nor be appointed a master commissioner in the circuit or chancery court of which he is a practicing attorney.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Thomas P. Linthicum,	Hamilton Pope,
Camden M. Ballard,	Beriah Magoffin,	Camden Riley,
James P. Barbour,	Daniel Morgan,	John W. Ritter,
Walter Chiles,	Fitch Munger,	James M. Shepard,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterret—16.
Overton P. Hogan,		

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Thomas Rouse,
John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
John Eaker,	Alfred Johnston,	Berry Smith,
Abijah Gilbert,	John C. Kouns,	Thomas J. Smith,
James W. Hays,	John W. Leathers,	Thomas I. Young—15.

Mr. O. P. Hogan moved to strike out the 2d and 3d sections of the second article of the 14th chapter of said bill, which reads as follows, viz:

§ 2. When any estate within this commonwealth shall vest or pass by will or the laws regulating descent and distribution to any other person, or for any other use than to or for the use of the child, father, mother, husband, wife, brother, sister, or lineal descendant of either, the estate so passing or vesting, if of greater value than one hundred dollars, shall pay a tax of one per cent. on the amount thereof, to be paid by the personal representative, or person having the care thereof, or the right to rent or hire out the same before distribution thereof, and by the devisee, heir, or distributee, when the estate vests, by will or law, without the assent of the executor or administrator.

§ 3. The personal representative and his surety shall be liable, on his bond for this tax, which shall be paid within one year after probate or administration granted; if not paid, it may be recovered and collected as other taxes, by distress, suit, or motion. The devisee and heir shall be personally liable for such tax, when the estate vests without the assent of the personal representative; the tax to be paid to the sheriff of the county where probate or admidistration is granted, or where the devisee or heir may reside, if within the commonwealth; otherwise, to the sheriff of the county where the estate is situated.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Rouse, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Thomas Rouse,
Hall Anderson,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Camden M. Ballard,	Beriah Magoffin,	James M. Shepard,
James P. Barbour,	Daniel Morgan,	Berry Smith,
Walter Chiles,	Hamilton Pope,	Thomas J. Smith,
Sam. Daviess Delany,	Camden Riley,	William Sterett,
John Eaker,	John W. Ritter,	Thomas I. Young—22.
Abijah Gilbert,		

Those who voted in the negative, were

John P. Bruce,	James W. Irwin,	John W. Leathers,
James W. Hays,	Alfred Johnston,	Fitch Munger,
Elihu Hogan,	John C. Kouns,	Robert A. Patterson—9.

And then the Senate adjourned.

FRIDAY, FEBRUARY 14, 1851.

1. Mr. Rouse presented the petition of Lewis Sanders, of Carroll county, praying the passage of a law to amend the law now in force for the collection of debts, by virtue of a writ directed by the Sheriff.

2. Mr. Morgan presented the remonstrance of sundry citizens of the county of Fleming, against the formation of a new county out of parts of Carter, Morgan, and Fleming counties.

Which petition and remonstrance were received, the readings dispensed with, and referred—the 1st to the committee on the Judiciary; and the 2d to the committee on Propositions and Grievances.

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the House of Representatives, entitled,

An act for the benefit of the securities of James White, Deputy Sheriff of Madison county.

And an enrolled bill, which originated in the Senate, entitled,

An act for the benefit of Caroline Ellis, and others.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of

Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

The Senate resumed the consideration of the bill to amend the exemption laws.

Mr. Riley moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Richard C. Graves,	Camden Riley,
James P. Barbour,	James W. Hays,	John W. Ritter,
Joshua Buster,	Alfred Johnston,	Robert S. Russell,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Abijah Gilbert,	Robert A. Patterson,	William Sterett—15.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
Hall Anderson,	James W. Irwin,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
William C. Bullock,	John W. Leathers,	James M. Shepard,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	Daniel Morgan,	Thomas I. Young—20.
Elihu Hogan,	Fitch Munger,	

Mr. Barbour moved to re-commit said bill, with instructions to report a bill in lieu thereof providing for additional articles of specific exemption.

Mr. Hays called for a division of the question.

And the question being taken on re-committing said bill, it was decided in the negative.

Mr. Pope moved to amend said bill, in the second section, by striking out the word "distress," printed in italics, and insert in lieu thereof "attachment for debt and fee bill."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

John Eaker,	Robert A. Patterson,	Robert S. Russell,
Elihu Hogan,	Hamilton Pope,	James M. Shepard,
Beriah Magoffin,	Camden Riley,	Thomas I. Young—9.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Daniel Morgan,
Hall Anderson,	James W. Hays,	Fitch Munger,

Camden M. Ballard,	Overton P. Hogan,	John W. Ritter,
James P. Barbour,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	Berry Smith,
Walter Chiles,	John W. Leathers,	Thomas J. Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	William Sterett—25.
Abijah Gilbert,		

Mr. Patterson moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall said bill be engrossed and read a third time?" and it was decided in the negative; so the said bill was rejected.

The yeas and nays being required thereon by Messrs. O. P. Hogan and B. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Hall Anderson,	James W. Irwin,	Hamilton Pope,
William C. Bullock,	John C. Kouns,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith,
Elihu Hogan,	Daniel Morgan,	Thomas I. Young—13.
Overton P. Hogan,		

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	James W. Hays,	John W. Ritter,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	Thomas P. Linthicum,	Robert S. Russell,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,
John Eaker,	Fitch Munger,	Berry Smith,
Abijah Gilbert,	Robert A. Patterson,	William Sterett—20.
Richard C. Graves,	Camden Riley,	

Mr. Irwin, from a select committee, reported a bill prescribing the duties of assessors of tax, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Senate resolved itself into a committee of the whole, Mr. Patterson in the Chair, on the bill for the payment of the debts now due, and for the further prosecution of the work on the Second Kentucky Lunatic Asylum; and after some time spent therein, the Speaker resumed the Chair, when Mr. Patterson reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again, which was granted.

The Senate resumed the consideration of the bill to revise the satutes.

Mr. Pope moved to amend said bill, by inserting after the enacting clause the following, viz:

That the following chapters of the revised statutes of this commonwealth be adopted; and that they shall become the law of the land, and take effect on the first day of July, 1852.

Mr. Eaker moved to amend said amendment, by adding thereto the following proviso, viz:

Provided, That in all instances wherein these statutes may conflict with any act passed at the present session, the latter shall prevail.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Eaker and Graves, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	John W. Leathers,
Sam. Daviess Delany,	James W. Irwin,	Thomas I. Young—8.
John Eaker,	Alfred Johnston,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	John W. Ritter,
Camden M. Ballard,	Elihu Hogan,	Thomas Rouse,
James P. Barbour,	Thomas P. Linthicum,	Robert S. Russell,
John P. Bruce,	Beriah Magoffin,	Nathaniel P. Saunders,
Wm. C. Bullock,	Fitch Munger,	James M. Shepard,
Walter Chiles,	Robert A. Patterson,	Berry Smith,
Abijah Gilbert,	Hamilton Pope,	Thomas J. Smith,
Richard C. Graves,	Camden Riley,	William Sterett—24.

The amendment moved by Mr. Pope was then adopted.

The second section of article 1 and chapter 14 of said bill reads as follows, viz:

§ 2. The following description of personal estate, viz: gold, silver, and other metalic watches; clocks, composed in whole or in part, of metal or wood; gold and siver plate; piano fortes; riding or pleasure carriages, buggies and gigs; stage coaches, omnibuses, and all descriptions of vehicles for the transportation of persons or passengers, by whatever name known or called, including the harness thereof, whether in use or not, shall be taxed *thirty cents upon each one hundred dollars of the value thereof, except such as are kept for sale in the store or shop of any merchant or manufacturer thereof. These shall be taxed as other estate owned by the merchant or manufacturer.*

Mr. Leathers moved to strike out all that part of said section printed in italics, and insert in lieu thereof the words, "*as other taxable property.*"

Mr. Patterson moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall the amendment of Mr. Leathers be adopted?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leathers and Barbour, were as follows viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Richard C. Graves,	Camden Riley,
James P. Barbour,	John W. Leathers,	John W. Ritter,
William C. Bullock,	Beriah Magoffin,	Thomas Rouse—11.
Sam. Daviess Delany,	Robert A. Patterson,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
Hall Anderson,	James W. Irwin,	Nathaniel P. Saunders,
John P. Bruce,	Alfred Johnston,	James M. Shepard,
Walter Chiles,	John C. Kouns,	Berry Smith,
John Eaker,	Thomas P. Linthicum,	Thomas J. Smith,
Abijah Gilbert,	Daniel Morgan,	William Sterett,
James W. Hays,	Fitch Munger,	Thomas I. Young—22.
Elihu Hogan,		

The question was then taken—"shall said bill be engrossed and read a third time?" and it was decided in the affirmative.

The constitutional provision as to the third reading of said bill was dispensed with, and the same was engrossed.

Mr. Chiles, at twenty minutes past five o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Sam. Daviess Delany,	Daniel Morgan,
Camden M. Ballard,	James W. Irwin,	James M. Shepard,
Walter Chiles,	Alfred Johnston,	William Sterret—9.

Those who voted in the negative, were—

Hall Anderson,	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	Overton P. Hogan,	Camden Riley,
John P. Bruce,	John C. Kouns,	John W. Ritter,
William C. Bullock,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
John Eaker,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	Fitch Munger,	Thomas J. Smith,
Richard C. Graves,	Robert A. Patterson.	Thomas I. Young—25.
James W. Hays,		

Mr. Chiles called for the reading of said bill.

Mr. Pope, at half past 5 o'clock, P. M., moved an adjournment.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John Eaker,	Daniel Morgan,
Camden M. Ballard,	Richard C. Graves,	Hamilton Pope,
James P. Barbour,	Elihu Hogan,	William Sterett,
Wlliam C. Bullock,	James W. Irwin,	Thomas I. Young—14.
Sam. Daviess Delany,	Alfred Johnston,	

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	John W. Ritter,
John P. Bruce,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,
Abijah Gilbert,	Fitch Munger,	Berry Smith,
James W. Hays,	Robert A. Patterson,	Thomas J. Smith—20.
Overton P. Hogan,	Camden Riley,	

Mr. Chiles withdrew the call for the reading of said bill.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and O. P. Hogan, were as followoms, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	Alfred Johnston,	Camden Riley,
Wm. C. Bullock,	John C. Kouns,	John W. Ritter,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	James M. Shepard,
John Eaker,	Daniel Morgan,	Berry Smith,
Richard C. Graves,	Fitch Munger,	Thos. J. Smith,
James W. Hays,	Robert A. Patterson,	William Sterret—24.

Those who voted in the negative, were

Camden M. Ballard,	Abijah Gilbert,	John W. Leathers,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
John P. Bruce,	James W. Irwin,	Thomas I. Young—10.
Walter Chiles,		

Resolved, That the title of said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to incorporate the Union Hotel Company, in Louisville, was read the first time, and oderred to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

SATURDAY, FEBRUARY 15, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to amend the charter of the Lebanon and Bradfordsville Turnpike Road Company.

An act to amend the charter of the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

An act to change the place of voting from Mason Gardner's to John F. Blandford's, in Marion county.

That they had passed bills of the following titles, viz:

An act relative to holding elections in certain districts in Owen and Mason counties.

An act to extend the limits of the town of West Liberty.

An act changing the boundary lines of District, No. 8, in Carter county.

An act to authorize the Trustees of Winchester to sell the stray pen, and prescribing the duties of the Clarke County Court in regard to strays.

An act to amend an act, entitled, an act to incorporate the Paris, Winchester, and Kentucky River Turnpike Road Company, &c., approved February 25, 1848.

An act to prevent the destruction of fish in Barebone creek, in Trimble county, and Floyd's fork, in Jefferson county.

An act for the benefit of John Clay, of Nicholas county.

An act to incorporate Montgomery Lodge, No. 18, of the Independent Order of Odd Fellows.

An act to create the offices of Police Judge and Marshal in the town of Moscow, in Hickman county.

An act to encourage the construction of Plank, Turnpike, and Railroads in Daviess county.

An act to amend an act, entitled, an act to amend the charter of the Oakland Turnpike Company, approved February 14, 1850.

An act to amend the charter of the Covington and Lexington Railroad Company.

1. Mr. Speaker (Grey) presented the petition of Isaac H. Caldwell, of Christian county, in relation to School District, No. 4, in said county.

2. Mr. Patterson presented the petition of Kelly & Co., of Caldwell county, praying the passage of a law to protect iron works, furnaces, and coaling grounds.

Which petitions were received, the readings dispensed with, and referred—the 1st to the committee on Education; and the 2d to the committee on the Judiciary.

Mr. Delany, from the committee on Banks, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Kentucky Savings Bank, at Louisville, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to repeal, in part, the law establishing the road from London, by the way of Williamsburg, to the Tennessee line.

An act to amend an act incorporating the Crab Orchard and Crew's Knob Turnpike Road Company, approved March 6, 1850.

An act to amend the road law in Pendleton county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to surrender to the counties through which the Owingsville and Big Sandy turnpike road runs, the control of said road, and declare the same a county road, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballard and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	John C. Kouns,	John W. Ritter,
John P. Bruce,	John W. Leathers,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	James M. Shepard,

Abijah Gilbert, Fitch Munger, Thomas J. Smith,
Richard C. Graves, Robert A. Patterson, Thomas I. Young—19.
James W. Hays,

Those who voted in the negative, were

Camden M. Ballard, Overton P. Hogan, Thomas Rouse,
James P. Barbour, James W. Irwin, Nathaniel P. Saunders,
William C. Bullock, Alfred Johnston, Berry Smith,
Sam. Daviess Delany, Thomas P. Linthicum, William Sterett—14.
John Eaker, Camden Riley,

Resolved, That the title of said bill be as aforesaid.

Mr. Bruce, from the same committee, to whom was referred the petition of sundry citizens of Bath and Fleming counties, praying the passage of a law to remove the obstructions in Licking river from the mouth of Slate down said river, asked to be discharged from the further consideration thereof, which was granted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Rouse—1. A bill to incorporate the Big Bone Hotel Company, in Boone county.

On motion of Mr. Bruce—2. A bill to regulate the management of the Wilderness road, and for other purposes.

On motion of Mr. Linthicum—3. A bill to incorporate the Danville and Bardstown Railroad Company.

On motion of Mr. Patterson—4. A bill for the benefit of Malachi Pickering, of Caldwell county.

On motion of Mr. O. P. Hogan—5. A bill to make the office of master in chancery elective by the qualified voters in each county.

The committee on the Judiciary was directed to prepare and bring in the 1st and 4th; the committee on Internal Improvement the 2d and 3d; and Messrs. O. P. Hogan, Eaker, and Leathers, were appointed a committee to prepare and bring in the 5th.

Mr. Morgan moved the following resolution, viz:

Resolved, That on Monday, Tuesday, and Wednesday, of next week, the Senate will adjourn at 2 o'clock, each day, and hold no evening sessions on those days.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Alfred Johnston, Robert S. Russell,
Camden M. Ballard, John C. Kouns, Nathaniel P. Saunders,
James P. Barbour, Beriah Magoffin, James M. Shepard,
Sam. Daviess Delany, Daniel Morgan, Thos. J. Smith,
Abijah Gilbert, Fitch Munger, William Sterett,
Richard C. Graves, Hamilton Pope, Thomas I. Young—19.
Elihu Hogan,

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	Robert A. Patterson,
John P. Bruce,	Overton P. Hogan,	Camden Riley,
Wm. C. Bullock,	James W. Irwin,	John W. Ritter,
Walter Chiles,	John W. Leathers,	Thomas Rouse,
John Eaker,	Thomas P. Linthicum,	Berry Smith—15.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Marine Insurance Company, at Paducah.

An act for the benefit of Chs. P. Tate, late Sheriff of Casey county.

An act for the benefit of James J. Hall.

An act for the benefit of the Trustees of Waidsboro'.

An act providing for the election of certain officers in the town of Paducah.

An act for the benefit of Harvey M. Brown.

An act for the benefit of James E. Stone, Clerk of the Hancock Circuit and County Courts.

An act to regulate tolls on turnpike roads in Mason county.

An act to regulate tolls on turnpike roads in Kenton county.

An act to incorporate Mayfield Lodge, No. 146, of Free and Accepted Masons.

An act for the benefit of certain School Districts in the counties of Hart, Casey, Fulton, Bath, Owen, Clay, Johnson, Graves, Washington, and Henry.

An act giving to the Clerk of the McCracken Circuit and County Courts further time to collect his fee bills.

An act to incorporate Lexington Division, No. 21, Sons of Temperance.

An act for the benefit of the Justices of the Hickman County Court.

An act to re-organize and regulate the office of Police Judge in the town of Hickman.

An act to authorize the Trustees of the town of Cadiz to sell a part of Main or Washington street in said town.

An act to amend an act, entitled, an act to incorporate the Lexington Fire, Life, and Marine Insurance Company, approved March 1, 1836.

An act for the benefit of Asbury Chapel, in the city of Louisville.

And enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the act incorporating the Maysville and Lexington Railroad Company.

An act for the benefit of the children and heirs of Michael Duvane, and Penelope Thornton, deceased.

An act to incorporate the Springfield and Marion County Turnpike Road Company.

An act granting the town of Salvisa a Police Judge and Town Marshal.

An act to incorporate Hebron Lodge, No. 19, Independent Order of Odd Fellows.

An act to amend and reduce into one the several acts incorporating the Franklin Fire, Marine, and Life Insurance Company, of Louisville.

An act for the benefit of John B. Whalen, of Marion county.

An act to incorporate Warren Lodge, No. 53, of Free and Accepted Masons, and Daviess Chapter, No. 29.

An act requiring the Assessors of Tax to return the names and Post Offices of the Deaf and Dumb children in the several counties.

An act concerning the Treasurer of Graves county.

An act to incorporate Phœnix Lodge, No. 28, of the Independent Order of Odd Fellows.

An act to run and re-mark the boundary lines between the counties of Lewis and Mason.

An act to condemn land in Fleming county for a burial ground.

An act to incorporate Salt River Lodge, No. 180, in the town of Mount Washington, in Bullitt county.

An act to amend the charter of the Cave Hill Cemetery.

An act to incorporate the Lexington Benevolent Female Society.

An act to amend an act establishing the Covington Commercial College.

An act to incorporate the Ciceronian Society, of Shelby College.

An act for the benefit of the widow and heirs at law of Samuel Scott, deceased.

An act for the benefit of the Board of Trustees of Common Schools for the city of Covington.

An act to provide for the interment of the remains of the Kentuckians who fell at Raisin.

An act to amend the charter of the Bowlinggreen and Tennessee Railroad Company.

An act to incorporate Germantown Lodge, No. 207, of Free and Accepted Masons.

An act to incorporate the Fredonia Cumberland Presbyterian Church, in Caldwell county.

An act for the benefit of John G. Parks, Clerk of the Nicholas County Court.

An act to repeal an act for the benefit of Charles Rice, Sheriff of Carter county, approved December 18, 1850.

An act to incorporate Bullitt Royal Arch Chapter, No. 44.

An act to change the place of voting in the fifth district, for the election of Justices of the Peace and Constables in Trigg county.

An act to allow an additional Magistrates' and Constables' district in the county of Barren.

An act to amend the charter of the Lexington and Danville Railroad Company.

An act to repeal an act, entitled, an act to establish an additional Justices' and Constables' district in Fulton county.

An act to authorize the Shelby County Court to sell and convey the Poor House in said county.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Smith, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act in relation to Magistrates' and Constables' districts in Christian county.

An act to amend the charter of the Bank Lick Turnpike Road Company.

An act for the benefit of Lucretia Stephens, administratrix of James Stephens, deceased.

An act to incorporate the Licking Packet Company.

An act to authorize the Trustees of the town of Springfield to subscribe stock in a turnpike road. Approved February 8, 1851.

An act to amend the charter of the Lexington and Covington Turnpike Road Company.

An act to allow an additional Magistrates' and Constables' district in Pulaski county.

An act to authorize a change in the State road leading from Canton to Hickman.

An act to authorize the Clerk of the Allen Circuit Court to transmit certain papers, now in his possession, to the Clerk of the Barren Circuit Court.

An act in relation to Magistrates' and Constables' districts in Logan county.

An act for the benefit of David A. Knox.

An act to incorporate the Hopkinsville Baptist Female Institute.

An act in relation to the town of Glasgow.

An act to appoint two Trustees for Rockcastle Seminary, and for other purposes.

An act for the benefit of the heirs of Joseph Burnett, deceased.

An act to prevent the close shaving of the heads of convicts in the Penitentiary.

An act to incorporate the Pleasant Run Turnpike Road Company.

Approved February 10, 1851.

An engrossed bill, entitled, an act to regulate the election laws, was read a third time.

Said bill was amended, by way of engrossed ryder, and as amended reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

ELECTIONS.

ARTICLE I.

General Provisions.

§ 1. Whenever in this law, or in any statute hereafter passed, it is said an election shall be held, or an equivalent expression is used in reference to a state, district, or county election, it shall be deemed to mean an election by the qualified voters, to be held at the several places of voting in the various precincts or justices' districts, where voters have a right to vote in the election of the officers designated.

§ 2. Whenever a duty is imposed upon, or a power confided to a "sheriff," in reference to an election, the same shall apply to any other officer or person acting for him at an election, and to the deputies of the sheriff, such other officer or person, in the same manner as if the duty were imposed upon or the power confided expressly to such other officer, person, or deputies; except, that in comparing returns, or in giving the casting vote in the election of a county judge to fill a vacancy, no deputy shall act without the express written authority of the principal.

§ 3. "Officer of an election," as used in this act, means a judge, clerk, or sheriff, or person acting for a sheriff at an election; also, a member of a board for examining poll-books or making returns.

ARTICLE II.

§ 1. The election precincts and places of voting in the several counties in this state, shall be the same as the districts and places fixed by law for the election of justices of the peace, unless otherwise specially provided for by law.

§ 2. That all elections in the city of Louisville, except those for justices of the peace and constables, shall be held in each ward thereof; the place of voting to be designated by the mayor and council thereof.

§ 3. It shall be the duty of the sheriffs of the several counties, on or before the first day of April, 1851, to have published, at the expense of the county, the boundaries of the districts, precincts, and places of voting, by causing them to be published at least twice in some public newspaper published in the county, if any, and by posting the same up at each of the places of voting in the county.

§ 4. Districts for the election of justices of the peace and constables election precincts, and places of voting, may be changed by the county court, in the month of January or February next preceding the regular time of electing justices of the peace, on the petition of a majority of the voters of each district or precinct to be affected by the change; and when any such change is so made, the sheriff shall cause the same to be advertised as above required: *and provided*, if for any good cause, an election cannot be held at the house appointed as the place of voting, the judges of the election may, on the morning of the election, adjourn it to the most convenient place, after having publicly proclaimed the change.

§ 5. An election shall be held in each of the districts, for the election of two justices of the peace and one constable, on the second Monday in May, 1851; and a like election shall be held for two justices of the peace on the first Saturday in May in every successive fourth year, and for a constable on the first Saturday in May in every successive second year; and at the same time in the city of Louisville, in their districts, for the election of justices of the peace and constables for said city.

§ 6. The term of office of justices of the peace and constables shall always commence on the first day of June in the year of their election, and expire when their successors are qualified. The justices of the peace shall enter on the duties of their respective offices as soon after their terms commence as they shall have received their commissions and qualified thereunder, and shall have filed the same, with the certificate of qualification thereon, in the county court clerk's office; and the several constables shall, before they enter upon the duties of their office, enter into bond, with good and sufficient securities, to be approved of by the court, in the county court, conditioned as now required by law, and shall have taken the oaths prescribed by the constitution and laws of Kentucky.

ARTICLE III.

Elections, how held.

§ 1. Each county court shall, in the month of March or April next, appoint two suitable persons to act as judges, and a clerk, for each place of voting in their respective counties, who shall act as judges and clerk of the elections to be held on the second Monday in May next.

§ 2. Each county court shall, in the month of June or July in every year, appoint two justices of the peace, if so many there be, or one justice and one other suitable person as judges, and a clerk of the election, for each precinct in its county. It shall also, in the month of March or April, every second year thereafter, appoint two suitable persons as judges and a clerk of elections for each district, for the election of justices of the peace in its county. Such judges and clerks shall hold their offices till their successors are appointed and qualify. Vacancies may be filled at any time by the court, or as herein provided for: *Provided*, that the court, in appointing officers of elections, shall appoint an equal number from each of the political parties (whig and democrat,) so long as said parties shall continue in this state.

§ 3. The sheriff shall, at least five days before the next ensuing election, give each judge and clerk written notice of his appointment.

§ 4. Should the court fail to appoint such judges or clerk, or either fail to attend for thirty minutes after the time for commencing the election

or refuse to act, the sheriff or his deputy shall appoint a suitable person or persons to act in his or their stead for that election.

§ 9 Each judge and clerk of an election shall, before entering on the duties of his office, take the oath prescribed by the constitution, before some justice of the peace, or it may be administered by the sheriff.

§ 6. Such judges shall superintend the election, determine upon the legality of all the votes offered, see they are properly recorded with the voter's name in the poll-book to be kept for that purpose, attend to the proper summing up of the votes, certify the poll-book over their signatures, and deliver the same to the sheriff. They shall also make out duplicate statements, in writing, signed by them, of the number of votes received by each candidate, one copy of which shall be retained by each of the judges, and shall serve as evidence of the result of the election, if the poll-book is not produced.

§ 7. Each judge shall also sign his name at the foot of every page of the poll-book, as the election progresses, so that the same may be thereby identified; when the judges disagree, the sheriff shall act as umpire between them.

§ 8. Whenever an election is required to be held for other than militia, town or city officers, the sheriff shall give notice of the time and places of the election, and the offices to be filled, by written advertisements posted up at the several places of voting in his county, at least twenty days before the election, and, by himself and deputies, shall cause the same to be held at the place appointed in each precinct or election district in his county, commencing at six o'clock in the morning, or as soon thereafter as may be, and closing at seven o'clock in the evening.

§ 9. If the office of sheriff is vacant, or if the sheriff is himself a candidate, at any election, all his duties pertaining to that election shall be performed by the coroner and such deputies as he may appoint for that purpose; or if the coronor is absent, or his office vacant, or he is a candidate, then such duties of the sheriff shall be performed by some person appointed for that purpose by the presiding judge of the county court, and the deputies of such person, if the presiding judge is not himself a candidate. But if the presiding judge is himself a candidate, or if, from any cause, a sheriff is not in attendance, the judges of election at any precinct, or, if one of them is absent, the other judge may appoint a person to act in the place of the sheriff for the election on that day in that precinct. In case of disagreement between the judges, the clerk may appoint such person.

§ 10. If a person offering to vote is not personally known to one of the judges, or the sheriff, as a qualified voter, he shall be interrogated, under oath administered by one of the judges or the clerk, as to his qualification. If, from his statement so made, he appears to be qualified, he shall be admitted to vote, unless his right is disputed by one of the judges or the sheriff, or by some other person present. It so disputed, the judges shall hear witnesses, not exceeding two in number on each side, as to his qualification, and decide as may appear right from the proof and statement of the party. The word "sworn" shall be written opposite the name of every one voting after being sworn.

Nothing in this section shall be construed to exempt a foreigner from

producing his certificate of naturalization, unless his qualification is known to one of the judges or the sheriff.

§ 11. The following rules shall be observed in determining the residence of a person offering to vote:

1. That shall be deemed his residence where his habitation is, and to which, when absent, he has the intention of returning.

2. He shall not lose his residence by absence for temporary purposes merely; nor shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making the county or precinct his permanent home.

3. By removal to another state or county, with intention to make his permanent residence there, he loses his former residence.

4. So, also, he loses his residence here by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return here at some future period.

5. The place where the family of a married man resides shall, generally, be considered his residence, unless the family so resides for a mere temporary purpose. If his family is permanently in one place, and he transacts his business in another, the former shall be his residence.

§ 12. If a person is objected to as not being a citizen, in addition to any questions the judges may think proper to ask, the following shall be put to him:

1. Have you resided in this state two years, or in this county one year immediately preceding this election? and have you resided in this precinct sixty days next preceding this election?

2. Have you been absent from this state during the two years immediately preceding this election, and, if so, did you, while absent, consider this state as your home, or did you, while absent, vote in another state?

§ 13. If the person is objected to as not a resident of the county or precinct in which he offers to vote, then, in like manner, the following questions shall be put to him:

1. When did you last come into this county (or precinct)?

2. When you came into this county (or precinct) did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this county (or precinct) for the purpose of voting in it?

ARTICLE IV.

Time of holding elections.

§ 1. The election of electors of president and vice president shall be held on the Tuesday next after the first Monday in November, on thousand eight hundred and fifty two, and on the same day in every fourth year thereafter. But the governor may, by his proclamation, appoint the same day in any other year, pursuant to the act of congress for holding the election in the event of a vacancy in the offices of president and vice president.

§ 2. The election of representatives in congress shall be held on the first Monday in August, one thousand eight hundred and fifty-one, and on the same day in every second year thereafter; but should there be a called session of congress between the expiration of any congressional term and the ensuing first Monday in August, the governor may, by his

proclamation, published in three newspapers printed in this state, cause an election of representatives in congress to be held at an earlier day, if there is thirty days between the date of the publication and the day so assigned by him.

§ 3. The election of all other officers, not otherwise provided for, shall, after the general election in May next, be held on the first Monday in August; and thereafter, on the same day in each year, as the terms of office regularly expire.

§ 4. The chancellor, clerk, and marshal of the Louisville chancery court shall be elected on the second Monday in May next, by the qualified voters within its jurisdiction; and thereafter, on the first Monday in August of the year in which the term of office regularly expires.

ARTICLE V.

Comparing polls.

§ 1. The sheriff, clerk of the county court, and clerk of the circuit court, or any two of them, in office on the second Monday in May next, shall, on the Thursday thereafter, at ten o'clock in the morning, meet at the clerk's office of the county, compare the polls as to the election of county court judge, give a certificate of election to him who receives the highest number of votes, and, in case of two candidates receiving an equal number of votes, give the casting vote between them. In the absence of either of those officers, or if either cannot act, or one person holds both clerkships, the coroner, or, in his absence, the surveyor of the county, shall act in comparing the polls. The judge, immediately after receiving such certificate, shall take the oath of office, and enter upon the discharge of its duties, first having been duly commissioned by the governor.

§ 2. The presiding judge of the county court, the clerk thereof, and the sheriff, or other officer acting for him at an election, shall constitute a board for examining the poll books of each county, and giving certificates of election. Any two of them may constitute a board; but, if the judge or clerk is a candidate, he shall have no voice in the decision of his own case. If, from any cause, two of the beforenamed persons cannot, in whole or in part, act in comparing the polls, their places shall be supplied by the two justices of the peace who may reside nearest to the court house.

§ 3. On or before the Friday next after an election, the sheriff shall deposit with the clerk of the county court the poll books of the different precincts. On the next day, the board shall meet in the clerk's office between ten and twelve o'clock in the morning, compare the polls, ascertain the correctness of the summing up of the votes, and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county—one copy of the certificate to be retained in the clerk's office, another delivered to the persons elected, and the other forwarded by the county clerk to the secretary of state at Frankfort. For offices not within such gift, they shall give duplicate or more written certificates, over their signatures, of the number of votes given in the county to each person voted for, particularizing therein the precinct at which the votes were given—one copy to be retained in the clerk's office, and the other delivered to the sheriff.

The poll books shall, thereafter, remain in the clerk's office as part of its records. So, also, shall the certificate of any precinct judges, which may have been used in the absence of the poll book of that precinct.

§ 4. Where two or more counties vote together in the choice of a representative or senator, the sheriffs of the respective counties shall, between ten and twelve o'clock in the morning of the first Monday after the election, meet in the clerk's office of the county court of the county first named in the senatorial or representative district, compare the certificates of the examining boards of the several counties, and, therefrom, give triplicate or more certificates of election, in writing, over their signatures, of the persons who appear to have received the highest number of votes—one copy of the certificate to be retained in that clerk's office, another delivered to the person elected, and the other forwarded to the secretary of state at Frankfort.

§ 5. The certificate of election of a county officer shall be, in substance, in the following form:

COMMONWEALTH OF KENTUCKY, SCT.

We, A., B., and C., duly authorized to compare the poll books for the county of , do certify that, at an election held in said county on the day of , E. F. was duly elected to fill the office of .

The certificate of the election of a justice of the peace or constable shall be altered to show that the election was held in a named district.

§ 5. After an election for governor, lieutenant governor, or other officer elective by the voters of the whole state, or for a judge of the court of appeals, clerk of that court, circuit judge, commonwealth's attorney, representative in congress, or electors of president and vice president, it shall be the duty of the board of examiners of poll books for each county, immediately after the examination of the poll books, to make out three or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices. One of the certificates shall be retained in the clerk's office, another the clerk shall send by the next mail, under cover, to the secretary of state at Frankfort, and the other he shall transmit to the secretary by any private conveyance the clerk may select.

§ 6. The governor, attorney general, and secretary of state, and, in the absence of either, the auditor, or any two of them, shall be a board for examining the returns of election for any of the officers named in the last section.

1. It shall be the duty of said board, when the returns are all in, or on the third Monday after the election, whether they are in or not, to make out in the secretary's office, from the returns made, duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes—one certificate to be retained in the office, and the other sent by mail to the person elected.

2. In the case of the election of a representative in congress, there shall be three certificates—one to be retained in the office, another sent by mail to the person elected, and the other sent by mail to the clerk of the house of representatives at the seat of the federal government.

3. It shall be the duty of the secretary, immediately after the comparison of the returns, to cause a statement, therefrom, of the votes given in every county for each candidate, to be published in two newspapers printed in Frankfort.

4. If two or more persons shall be found to have received the highest and an equal number of votes for the same office, so that the election cannot be determined among the candidates by a plurality of votes, it shall be determined by lot, in such manner as the board may direct, and in the presence of not less than three other persons.

5. If one or more of the persons voted for as electors of president, is elected, then he or they, when met to vote for president, shall determine which of the candidates having an equal number of votes shall be deemed to be elected, without casting any lot therefor. But if none is elected, then the board shall determine the election, by lot, between those having the highest and equal number of votes, except that they shall be arranged and drawn for in classes, according to their known pledges to vote for the different candidates, so that the whole vote of the state may be given to the same persons.

§ 7. Where the sheriffs of two or more counties, on comparison of the returns, or the board of examiners for a county, find that two or more persons have received the highest and an equal number of votes for the same office, they shall, in like manner, by lot, determine which of the candidates is elected.

ARTICLE VI.

Filling vacancy.

§ 1. The term "vacancy in an office," or any equivalent phrase, as used in this article, means such as exists when there is an unexpired part of the term of an office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law. It applies whether the vacancy is occasioned by death, resignation, removal from the state, county, or district, or otherwise.

§ 2. A writ of election shall be signed by the officer or attested by the clerk of the court issuing the same, appoint the day for holding the election, and be directed to the proper sheriff or sheriffs.

1. When an election is to be held to fill a vacancy in any office by the voters in the whole state, or of a congressional or judicial district, a proclamation signed by the officer authorized to order the same, shall be used and stand in lieu of a writ of election.

2. Such proclamation, when for the whole state, shall be published, at least thirty days before the election, in two newspapers printed at the seat of government; and when for such district, at least twenty days before the election, in two newspapers printed in the district—if there are such papers printed at the seat of government or in the district. A copy of a proclamation for a district election, shall, also, be forwarded by mail to the sheriff of each county in the district, twenty days before the election.

3. Immediately on receipt of a writ of election or proclamation of election, or other sufficient information thereof, the sheriff shall give notice thereof by advertisements, posted at the court house door and the several places of voting, and published in some newspaper printed in the county, if any such there be.

4. No writ for the election of a county officer, a representative, or senator, shall be issued, except so as to enable the sheriff to give such notice at least eight days before the election.

5. A writ of election from the county court shall be delivered to the sheriff by the clerk thereof, immediately after it is ordered. Other writs of election, or proclamations, shall be forwarded, by the officer issuing them, to the sheriff by mail. If, from any cause, the sheriff cannot properly act, he shall, immediately, hand the writ or proclamation to the person authorized to act in his place.

6. The next succeeding first Monday in August shall always be the day appointed by writ or proclamation for holding an election, except as in this chapter allowed, unless to fill a vacancy in the court of appeals, or in the office of circuit judge, or unless there is or will be an intervening session of the legislature or of congress, rendering it necessary to fill a vacancy therein before the first Monday in August.

7. But when a vacancy so occurs that there is not time to give the requisite notice before the proper first Monday in August, a special election shall be ordered to take place on a day within six weeks after such first Monday.

8. Except in the cases provided for in the last subsection, the day appointed for filling a vacancy in the court of appeals, or in a circuit court, shall be within six weeks after the governor receives notice of the vacancy.

§ 3. When a vacancy happens in either branch of the legislature during its session, the presiding officer of the house in which the vacancy occurs, shall issue the writ of election; if the legislature is not in session, the writ shall be issued by the governor.

§ 4. When a vacancy happens in the office of governor, requiring an election, the proclamation therefor shall be issued by the chief justice, or, if there be none or he is absent from the state, by the judge of the court of appeals having the shortest unexpired term.

§ 5. A vacancy in the office of sheriff or constable shall be filled by the county court for the unexpired term.

1. A vacancy in the office of justice of the peace, coroner, surveyor, county court clerk, county attorney, jailer, or assessor, shall be filled in like manner, until the next succeeding biennial election of such officers, and until the successor then chosen has qualified. A writ of election to fill the vacancy, shall be issued by the court; or if the judge is not at the time in the county, by the clerk, under the order of two justices of the peace.

2. A vacancy in the office of commonwealth's attorney or circuit court clerk, shall, in like manner, be filled for the same time by the circuit judge of the district, who shall, also, issue the writ or proclamation for an election to fill the vacancy.

§ 6. That when a vacancy shall occur in the office of any presiding judge in this commonwealth, within the first three years for which he may have been elected to said office, it shall be the duty of the clerk of the county court, or, in his absence, the clerk of circuit court, to issue a writ of election, directed to the sheriff of his county, who shall proceed to hold an election by the qualified voters of his said county—after having given due notice—according to the rules and regulations for electing county judges; but if the vacancy shall be for a less period than one year, then the clerk of the county or circuit court shall notify all the magistrates of his said county that a vacancy has occurred, and requiring the said justices to convene at the court house to fill said vacancy.

1. The justices shall convene at ten o'clock in the morning of the appointed day, or as soon thereafter as may be, and at the same hour every succeeding day Sunday excepted, until the vacancy is filled.

2. A majority of those present shall fill the vacancy, and their written certificate thereof shall be handed to and preserved by the clerk of the court.

3. In case of a tie, or if a majority cannot be otherwise obtained after three ballots, the sheriff shall give the casting vote.

4. When necessary, the writ of election to fill the vacancy shall issue from the court, or its clerk, as in the last section directed.

ARTICLE VII.

Contested election.

§ 1. When the election of a governor or lieutenant governor is contested, a board for determining the contest shall be formed in the following manner:

1. On the third day after the organization of the general assembly which meets next after the election, the senate shall select, by lot, three of its members, and the house of representatives shall select, by lot, eight of its members, and the eleven so selected shall constitute the board—seven of whom shall have power to act.

2. In making the selection by lot, the name of each member present shall be written on a separate piece of paper, every such piece being as nearly similar to the others as may be. Each piece shall be rolled up, so that the name thereon cannot be seen, nor any particular piece ascertained or selected by feeling. The whole, so prepared, shall be placed by the clerk in a box on his table; and, after it has been well shaken and the papers therein well intermixed, and the clerk having been blindfolded by the presiding officer, shall draw out one paper, which shall be opened and read aloud by the presiding officer; and so on, until the required number is obtained. The persons whose names are so drawn, shall be members of the board.

3. The members of the board so chosen by the two houses, shall be sworn by the speaker of the house of representatives to try the contested election, and give true judgment thereon according to the evidence, unless dissolved before rendering judgment.

4. The board shall, within twenty-four hours after its selection, meet, appoint its chairman, and assign a day for hearing the contest, and adjourn from day to day as its business may require.

5. If any person, so selected, shall swear that he cannot, without great personal inconvenience, serve on the board, or that he feels an undue bias for or against either of the parties, he may be excused by the house from serving on the board; and if it appears that a person, so selected, is related to either party, or is liable to any other proper objection on the score of his impartiality, he shall be so excused.

6. Any deficiency in the proper number, so created, shall be supplied by another draw from the box.

7. The board shall have power to send for persons, papers, and records, to issue attachments therefor, signed by its chairman, swear witnesses by its chairman or clerk, and issue commissisns for taking proof.

8. Where it shall appear that the candidates receiving the highest number of votes given have received an equal number, the incumbent

shall be adjudged to retain the office. Where the person returned is found not to have been legally qualified to receive the office at the time of his election, a new election shall be ordered. Where another than the person returned, shall be found to have received the highest number of legal votes given, such other shall be adjudged to be the person elected and entitled to the office.

9. No decision shall be made but by the vote of six members. Its decision, when made, shall be final and conclusive. It shall be made out in triplicate, and signed by the members voting therefor. One copy shall be retained by the chairman or clerk, and one delivered to the presiding officer of each house.

10. If a new election is required, it shall be immediately ordered, by the proclamation of the speaker of the house of representatives, to take place within six weeks thereafter, and on a day not sooner than thirty days thereafter.

11. When a new election is ordered or the incumbent adjudged not to be entitled, his powers shall immediately cease; and if the office is not adjudged to another, it shall be deemed to be vacant.

12. If any member of the board willfully fails to attend its sessions, he shall be reported to the house to which he belongs, and, thereupon, such house shall, in its discretion, punish him by fine or imprisonment.

13. If no decision of the board is given during the then session of the legislature, it shall be dissolved, unless, by joint resolution of the two houses, it is empowered to continue longer.

§ 2. When the election of a member of the general assembly is contested, that branch of the legislature to which he belongs, within three days after its organization, shall, in like manner, select a board of not more than nine nor less than five of its members, for determining the contest; which board shall be governed by the same rules, have the same power, and be subject to the same penalties as would the board to determine the contested election of governor, and shall report its decision to that branch of the legislature by which it was appointed, for its further action.

§ 3. The governor, attorney general, auditor, treasurer, and secretary of state, or any three of them, shall be a board, with like powers as those named in the last section, for determining the contested election of any officer, other than governor or lieutenant governor, elective by the voters of the whole state, or of a judge or clerk of the court of appeals, circuit judge, or commonwealth's attorney.

1. Each member of the board, before entering on his duties as such, shall be sworn by some judge or justice to try the contested election, and give true judgment thereon according to the evidence.

2. The board and its acts shall be governed by the rules named in the last section, where the same are applicable to its duties.

3. A majority of the board shall be necessary to a decision, which shall be in writing, and signed in duplicate by the members concurring therein—one copy to be retained in the secretary's office, and the other delivered to the successful party or sent to him by mail.

4. The governor shall, immediately after such decision, issue proper commission, or order a new election, as the case may require.

§ 4. The judge of the county court, and the two justices of the peace

residing nearest to the court house in each county, shall be a board, with like powers as those named in the last section, for determining the contested election of any officer elective by the voters of the county or any justice's district therein, or of any police judge, except members of the general assembly. If any of said persons are absent from the county or cannot properly act, then said board shall be filled by adding thereto—first, the county court clerk, then the justice of the peace who resides next nearest to the court house, and so on, excluding such as cannot properly act, till the board is full.

1. The board and its acts shall be governed by the rules named in the next two preceding sections, where the same are applicable to its duties.

2. The decision of the board shall be given in writing and signed in triplicate—one copy to be entered on the minutes of the court, another handed to the successful party, and the other, when necessary for obtaining a commission, forwarded by mail to the secretary of state.

3. When the decision so requires, the court shall immediately issue a writ for a new election.

§ 5. No application to contest the election of an officer shall be heard, unless notice thereof, in writing, signed by the party contesting, is given to the officer returned.

1. The notice shall state the grounds of the contest, and none other shall afterwards be heard, as coming from such party.

2. In the case of an officer elective by the voters of the whole state or any judicial district, the notice must be given within thirty days after the election. In the case of a senator or representative, it must be given within fifteen days; and in that of any other officer, within ten days after the election.

3. Immediately after such notice, either party may proceed to take proof by depositions, under the same rules and regulations as govern the taking of depositions in suits in chancery, except that no dedimus shall be required for taking a deposition out of the state. The depositions shall be sealed up by the officer taking them, and directed to the board having power to decide the contest, or to the clerk of the senate, or clerk of the house of representatives, as the case may require.

4. Such depositions, properly taken, shall be read as evidence before that branch of the legislature or the board having jurisdiction of the case; but either can, in its discretion, call for and hear other proof.

5. The taking of depositions to be used before the legislature, or either branch thereof, shall close ten days before the next meeting thereof, or, if in session when the notice is given, until it is ordered to close; if before a county board, it shall close three weeks after the notice of the contest; and if before the other board, six weeks after the notice.

6. The case shall be heard by a county board on the fourth Monday after the service of notice; and by the other board, the eighth Monday after such service; but either may, for good cause, allow further time.

2. The cost of the proceeding shall be adjudged against the unsuccessful party, and a certificate thereof given by the board, or by the clerk of either branch of the legislature, as the case may require. A judgment for the same may be obtained after five days' notice, in a circuit or county court.

ARTICEE VIII.

Pay of officers of elections, &c.

§ 1. The costs of all elections held in any county, shall be paid out of the county levy.

§ 2. Officers of elections, to be held in May and August next, and of the general biennial elections to be held on the first Monday in August, shall receive pay as follows: Judges, one dollar, each; sheriffs, one dollar, each; clerks, two dollars, each. In all elections to fill vacancies, the same fees, except that the clerk shall only receive one dollar. For comparing the returns of two or more counties in the election of a senator or representative, a sheriff shall receive two dollars, and one dollar and fifty cents for each twenty-five miles of travel in going and returning.

§ 3. The compensation to witnesses, and officers taking depositions, in cases of contested elections, shall be the same as in suits at law.

§ 4. The clerk of the county court shall have fifty cents for each certificate of election or appointment of an officer, to be paid by the person receiving it.

ARTICLE IX.

Election of United States Senator.

§ 1. Senators in the congress of the United States, shall be elected by *viva voce* vote of the members of the two branches of the general assembly on joint ballot.

1. The election shall be held on the second Monday after the commencement of that session of the general assembly which next precedes the expiration of the senatorial term of the incumbent; and if no election is made on that day, the two houses may adjourn from time to time until the election is made.

2. If a vacancy occurs, when the legislature is not in session, in an unexpired term, the election shall be held on the second Monday after the commencement of the next session; and if, during the session of the legislature, or if notice thereof is only received during such session, the election shall be held on the seventh day next after any member of either house moves to go into an election; or, if that seventh day is Sunday, then on the next succeeding day. In either case, the election shall be proceeded with as before directed.

§ 2. When the governor is notified, by the clerk of either house, of the election of a senator, or when a governor appoints a senator, he shall give a written certificate of such election or appointment, attested by his signature and the seal of the state. If he refuses to give such certificate after an election, the presiding officer and clerk of either house may give the same, over their signatures.

ARTICLE X.

Electors of president.

§ 1. The electors of president and vice president of the United States, shall convene in the capitol at the seat of government, at ten o'clock in the morning of the first Wednesday in December after their election, give their votes at or after twelve o'clock, and make return thereof according to law.

§ 2. If, from any cause, one or more of the electors elected, fails to attend—as before directed—by twelve o'clock of that day, those in attendance shall fill the place of those absent by the election of another

person or persons, who shall have the same power as if originally elected by the people for that purpose.

ARTICLE XI.

When officers to commence their duties.

§ 1. The governor shall commission all officers elective by the voters of the whole state, other than governor and lieutenant governor, or of any judicial district, and, also, the chancellor of the Louisville chancery court.

All such officers shall commence the duties of their respective offices, so soon as they have received their commissions and qualified thereunder according to law.

§ 2. All officers—except sheriffs, justices, constables, and militia officers—elected by the voters of a single county, or of some town or city therein, shall commence the duties of their respective offices, so soon as they have received certificates of their election and qualified thereunder according to law.

§ 3. Every officer appointed to fill a vacancy, shall commence the duties of the office so soon as he has received his commission, or certificate of appointment, and qualified thereunder according to law.

§ 4. Every officer not otherwise provided for by the constitution, shall hold his office until his successor has duly qualified.

ARTICLE XII.

Penalties against frauds on elections.

§ 1. Any sheriff who fails to cause an election to be held, or in making, comparing, and certifying election returns, for senator or representative, as required by law, shall be fined from two hundred to a thousand dollars. If he fails to perform any other duty concerning an election, or the returns thereof, for which there is no penalty specifically prescribed, he shall be fined from twenty to two hundred dollars.

§ 2. Any judge or clerk of an election, who, after due notice of his appointment, shall fail to perform his duty as such in holding any election—unless from sickness, or absence from the county, or sufficient excuse—shall be fined from ten to one hundred dollars.

§ 3. Any officer, who, without sufficient excuse, fails to discharge his duty, after any election as one of a board for comparing the poll-books or election returns, or to decide a contested election, shall be fined from twenty to one thousand dollars.

Any officer, who shall act corruptly, and with willful and manifest partiality in the discharge of such duty, shall be imprisoned from six to twelve months, and fined from five hundred to a thousand dollars; and shall, also, in addition to either penalty, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 4. Any officer, or other person, who shall alter, obliterate, or wilfully secrete, suppress, or destroy the certified poll book or certificate of an election, or unlawfully alter the poll book before it is certified, shall be deemed guilty of forgery, be confined in the penitentiary from one to five years, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 5. Any officer, who shall make, or aid in making, or authorize the making up of any false and fraudulent poll book or certificate of an election or election return, shall incur the penalties of the last section.

§ 6. Any officer, whose duty it is to give or aid in giving a certificate of election or of the returns of an election, or to forward the same, who shall willfully and fraudulently refuse or fail to give the same, or to send the same to the secretary of state, as required by law, shall be imprisoned from one to twelve months, fined from five hundred to a thousand dollars, forfeit any office he may then hold, and be disqualified from ever holding any office.

§ 7. Any person, who shall counsel, advise, or procure the commission, or aid in the commission of either of the offenses named in the last two sections, shall incur thereby the penalty therefor as therein named.

§ 8. Any judge, sheriff, or clerk, who shall receive and record, or cause to be recorded, a vote at an election at any other time and place than that lawfully appointed, and any judge or sheriff who shall knowingly and unlawfully receive the vote of any other than a qualified voter, or so refuse to receive the vote of a qualified voter, shall, for every such offense, be imprisoned from one to six months, fined from fifty to five hundred dollars, forfeit any office he then holds, and be disqualified from ever holding any office.

§ 9. Any officer of an election, who shall be guilty of any willful neglect of his duty as such, or of any corrupt conduct, or manifest partiality in the execution of the same—not herein otherwise provided for—shall be fined not more than five hundred dollars or imprisoned not more than six months, or both so fined and imprisoned.

§ 10. Any resident of this state, who shall vote at any election before he has resided two years in the state, or in the county and precinct where the election is held, the time required by law, or before he has attained full age, or before he has been duly naturalized, shall be fined from fifty to one hundred dollars, or imprisoned from ten to ninety days, or both.

§ 11. Any person, not a citizen of this state, who shall fraudulently attempt to vote at an election in this state; any person, who shall vote or fraudulently attempt to vote more than once at an election; any person, who shall vote or attempt to vote by means of a false personation and use of the naturalization papers of another person, dead or living; and any person who shall lend or hire his naturalization papers to be used for such purpose, shall be imprisoned not less than one year and fined not more than five hundred dollars.

§ 12. Any one, who shall knowingly and fraudulently procure or advise another to commit either of the offenses named in the last two sections, shall be fined not more than five hundred dollars, or imprisoned from six to twelve months, or both so fined and imprisoned.

§ 13. Any person guilty of receiving a bribe for his vote at an election, shall be fined from fifty to one thousand dollars, or imprisoned from one to twelve months, or both so fined and imprisoned.

1. "Bibe" or "bribery," means any reward, benefit, or advantage, present or future, to the party influenced or intended to be influenced, or to another at his instance, or the direct promise of such reward, benefit, or advantage.

2. Money, or other thing of value, or other benefit given, paid, lent, or promised for treating or procuring the treating of voters before or during an election, with a view of influencing votes to be given, shall be deemed a bribe.

3. Whoever shall receive money, or other thing of value, to be used for the purpose of influencing a vote or votes in any way, shall be deemed to have been bribed.

§ 14. Whoever shall bribe another, or offer to bribe another, as in the last section named, shall, on conviction, be fined from twenty to five hundred dollars, or imprisoned from ten to ninety days, or both so fined and imprisoned.

§ 15. Whoever shall obtain or solicit any subscription or contribution, or the promise thereof, for the purpose of aiding or promoting, in any way whatever, the election of any person or persons, or receive any contribution to be used in that way, shall incur the penalties of the last section; except that it shall be lawful to raise by subscription, or otherwise, money for defraying, in good faith, the expense of publishing handbills or printed papers.

§ 16. Whoever shall contribute money, or other thing of value, or give a promise thereof, contrary to the last section, shall be fined from fifty to two hundred dollars.

§ 17. Any person who, by himself, or in aid of others, shall forcibly break up or prevent, or attempt to break up or prevent, the lawful holding of an election, or so obstruct or attempt to obstruct the same, or so prevent or attempt to prevent any qualified voter from giving his vote, shall be fined from fifty to five hundred dollars, and imprisoned not more than one year.

§ 18. Any person, who shall make any willfully false statement under an oath duly administered at an election, shall be deemed guilty of perjury, and incur the penalty for that crime.

Any person who shall willfully and corruptly procure another to make such false statement, shall be deemed guilty of subornation of perjury, and incur the like penalty.

§ 19. Any person condemned to confinement in the penitentiary for larceny, robbery, forgery, counterfeiting, or perjury, or any such like crime, shall forfeit his right of suffrage for ten years after his conviction.

§ 20. It shall be the special duty of each sheriff, judge, and clerk of an election, to give information of all infractions of this act to the grand jury, or commonwealth's attorney; and, where there is reason to fear that an offender will make his escape out of the county before indictment, to procure his immediate apprehension.

The officer before whom such offender is brought shall require from him surety in an adequate penalty for his appearance at the next circuit court, to answer the charge; and, on his failure to give it, to commit him to prison till surety is given.

§ 21. This act shall be literally construed so as to prevent any evasion of its prohibitions and penalties by shift or device, and so as the better to effectuate the intention of the people of Kentucky, as declared in their constitution, that their elections should be kept pure and uncorrupted from "all undue influence thereon by power, bribery, tumult, or other improper practices."

It shall, also, be given specially in charge to the grand jury of every county first convened after any general election.

§ 22. A grand jury may cause any person to be summoned before them as a witness, who shall be compelled to testify as to any knowledge he

may possess, touching any violation of law in relation to elections in the county during the preceding eighteen months; and if he refuses to testify on oath, he shall be committed to prison until he submits, and be fined from ten to thirty dollars by the court, and a like sum for each daily repetition of the contempt.

§ 23. In any prosecution under this act, it shall be no exemption for a witness that his testimony may criminate himself; but no such testimony given by a witness, shall be used against him in any prosecution, except for perjury; and if used on behalf of the commonwealth, he shall stand discharged from all penalty for any violation of this act, so necessarily disclosed in his testimony, as tending to convict the accused.

§ 24. No prosecution shall be had under this act, unless the same is commenced within twelve months from the time of the commission of the offense.

§ 25. The commonwealth's attorney shall receive one third of any fine assessed and collected, whenever he prosecutes the offender.

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Hays, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Robert A. Patterson,
Camden M. Ballard,	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	Overton P. Hogan,	Camden Riley,
Walter Chiles,	Alfred Johnston,	John W. Ritter,
Sam. Daviess Delany,	John C. Kouns,	James M. Shepard,
John Eaker,	Thomas P. Linthicum,	Berry Smith,
Abijah Gilbert,	Daniel Morgan,	William Sterett—22.
Richard C. Graves,		

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	Thomas Rouse,
John P. Bruce,	John W. Leathers,	Thomas J. Smith,
William C. Bullock,	Fitch Munger,	Thomas I. Young—9.

Resolved, That the title of said bill be as aforesaid.

The Senate again resolved itself into a committee of the whole, Mr. Patterson in the Chair, on the bill for the payment of the debts now due, and for the further prosecution of the work on the Second Kentucky Lunatic Asylam; and after some time spent therein, the Speaker resumed the Chair, when Mr. Patterson reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the same to the Senate, with an amendment, which he handed in at the Clerk's table.

Said amendment was then concurred in.

Mr. Linthicum moved the following resolution, viz:

Resolved, That said bill be referred to a select committee of five, with instructions to report a bill:

1. For the payment of the present liability of the state for said building.

2. To suspend the authority of the present commissioners to contract further liabilities on the part of the State.

3. To appoint commissioners to visit the building, and report to the next legislature the situation thereof, and a description of the same: what it will cost to complete it; what to prepare it to receive fifty inmates; what to receive one hundred, and what to receive two hundred; and all other matters pertaining to the same that they may deem material to be known.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Russell, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Hays,	Camden Riley,
Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
Wm. C. Bullock,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Robert S. Russell,
Abijah Gilbert,	Daniel Morgan,	Nathaniel P. Saunders,
Richard C. Graves,	Hamilton Pope,	Berry Smith—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John Eaker,	Fitch Munger,
James P. Barbour,	Overton P. Hogan,	Robert A. Patterson,
John P. Bruce,	James W. Irwin,	Thos. J. Smith,
Walter Chiles,	John C. Kouns,	William Sterett—14.
Sam. Daviess Delany,	Beriah Magoffin,	

Whereupon, Messrs. Linthicum, Irwin, Barbour, Bullock, and Magoffin, were appointed said committee.

Ordered, That said committee report on Tuesday next at half past 9 o'clock.

And then the Senate adjourned.

MONDAY, FEBRUARY 17, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled,

An act to incorporate the town of Mountsterling.

That they had received official information that the Governor had

approved and signed enrolled bills, which originated in that House, of the following titles, viz:

An act to incorporate the Mount Gilead and Mount Carmel Turnpike Road Company.

An act to create two additional Magistrates' and Constables' districts in Oldham county.

An act to amend the charter of the Farmers Bank of Kentucky.

An act to establish twelve Judicial Circuit Districts.

Approved February 8, 1851.

An act in relation to the Seminary fund of McCracken county.

An act to incorporate Magnolia Lodge, No. 201, of Free and Accepted Masons.

An act to empower the County Court of Bracken to take stock in turnpike roads.

An act to incorporate the New Liberty and Kentucky River Turnpike Road Company.

An act to incorporate McKenzie Temple of Honor, No. 6.

An act to incorporate the South Elkhorn and Midway Turnpike Road Company.

An act to incorporate the Mayslick and Helena Turnpike Road Company.

An act for the benefit of the Sheriffs of Owen, Daviess, and Monroe counties.

An act to incorporate the Kentucky Female College, at Greensburg.

An act to amend an act giving to officers, crews, mechanics, and others, a lien on steamboats, approved January 28, 1839.

An act to authorize the County Courts to change the names of persons.

An act to incorporate Warren Lodge, No. 110, of Free and Accepted Masons.

An act to incorporate the Lexington Savings Institution.

An act to amend the law incorporating the Carrollton and Eagle Creek Turnpike Road Company.

An act to incorporate the Peach Orchard Coal Company.

Approved February 10, 1851.

An act for the benefit of School District, No. 1, in Lawrence county.

Approved February 12, 1851.

Mr. T. J. Smith presented the remonstrance of sundry citizens of the town of Bowlinggreen, against the repeal of the law of last session extending the limits of said town.

Which remonstrance was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Pope, from the committee on the Judiciary, to whom was referred the petition of sundry citizens of the town of Moscow, praying the condemnation of certain lots in said town, on which to erect an Academy, reported the same with the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Ritter, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the Portland Dry Dock and Insurance Company.

An act to establish the office of Town Marshal, in the town of Independence, in the county of Kenton.

An act to amend the charter of East Maysville, in Mason county.

An act to incorporate Wildey Lodge, No. 40, Independent Order of Odd Fellows.

An act to amend an act, entitled, an act to incorporate the Trustees of Bacon College, located at Harrodsburg.

An act to incorporate Green River Lodge, No. 54, Independent Order of Odd Fellows, in Hopkinsville.

An act to incorporate the Acolian Building Company of the town of Bowlinggreen.

An act to incorporate Hickman Lodge, No. 131, of Free and Accepted Masons.

An act to extend the corporate limits of Newport.

An act amending an act for the benefit of Mary Ridge and Maria Davenport, approved February 9, 1850.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Munger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to create the office of Police Judge in the town of Clinton, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof

be amended, to read, "an act to create the offices of Police Judge and Marshal in the town of Clinton, in Hickman county.

Mr. Bullock, from the committee on County Courts, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the Court of Claims, in Fayette county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to change Magistrates' and Constables' district, No. 4, in Green; No. 1, in Crittenden; and the Lewisburg and Maysville district, in Mason county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Morgan, from the same committee, to whom was referred the petition of sundry citizens of the town of Bowlinggreen, praying a repeal of the law of last session extending the limits of said town, asked to be discharged from the further consideration thereof, which was granted.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of James Clarke, late Sheriff of Casey county.

An act for the benefit of William Abner, of Owsley county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to extend the duties of Commissioners of Tax, reported the same with an amendment, which was concurred in.

Mr. Anderson moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Anderson and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Abijah Gilbert,	Robert S. Russell,
Camden M. Ballard,	James W. Hays,	Nathaniel P. Saunders,
James P. Barbour,	Alfred Johnston,	Thomas J. Smith—11.
John P. Bruce,	John C. Kouns,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Camden Riley,
Wm. C. Bullock,	James W. Irwin,	John W. Ritter,
Joshua Buster,	John W. Leathers,	Thomas Rouse,
Walter Chiles,	Thomas P. Linthicum,	James M. Shepard,
Sam. Daviess Delany,	Beriah Magoffin,	Berry Smith,
John Eaker,	William N. Marshall,	William Sterett,
Richard C. Graves,	Fitch Munger,	Caleb B. Wallace,
Elihu Hogan,	Hamilton Pope,	Thomas I. Young—24.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill to unite into one the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Sheperdsville Plank Road Company.

By same—A bill to amend an act, entitled, an act to incorporate the Linden Grove Cemetery Company, of Covington, approved March 5, 1850.

By Mr. Bullock, from the committee on County Courts—A bill defining the boundaries of the Magistrates' and Constables' districts in Pulaski county.

By Mr. Morgan, from the committee on Propositions and Grievances—A bill to change the line of the first and second districts, for the election of Magistrates and Constables in Caldwell county.

By same—A bill to change the lines of a Magistrates' and Constables' district in Boone county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The preamble and resolutions in relation to the tariff, read and laid on the table by Mr. Graves, on the 1st inst., were taken up.

Ordered, That said preamble and resolutions be referred to the committee on Federal Relations.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Executive Department,
February 17, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent,
John Daviess, to be Notary Public for Daviess county.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

The Senate, according to order, took up for consideration the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to provide for the payment of the interest of the School Fund.

Said amendment is to strike out all of said bill after the word "whereas," and insert in lieu thereof the following, viz:

"Doubts exist as to the liability of the Sinking Fund for the payment of the interest on the bonds of the State of Kentucky, held by the Board of Education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of the Sinking Fund be and they are hereby directed to pay, as heretofore, the interest on the bonds of the State of Kentucky, held by the Board of Education, out of any moneys in their hands belonging to said Sinking Fund, in execution of an act, entitled, an act to provide for the payment and investment of the interest on the bonds of the State of Kentucky, held by the Board of Education, and for the amendment of the laws concerning Common Schools, approved March 1, 1850."

Mr. Pope moved to amend said amendment, by adding thereto the following proviso, viz:

Provided, however, That the General Assembly regards the Sinking Fund as liable for the payment of the principal and interest of the Common School Fund.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and Eaker, were as follows, viz:

In the affirmative—none.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Camden Riley,
Hall Anderson,	Overton P. Hogan,	John W. Ritter,

Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Robert S. Russell,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
William C. Bullock,	John W. Leathers,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Daniel Morgan,	Caleb B. Wallace,
Richard C. Graves,	Fitch Munger,	Thomas I. Young—35.
James W. Hays,	Hamilton Pope,	

The question was then taken on concurring in the amendment to said bill proposed by the House of Representatives, and it was decided in the negative; so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Graves, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Richard C. Graves,	John W. Ritter,
John P. Bruce,	Fitch Munger,	James M. Shepard—8.
Walter Chiles,	Camden Riley,	

Those who voted in the negative, were

Mr. Speaker (Grey,)	Overton P. Hogan,	Thomas Rouse,
Hall Anderson,	James W. Irwin,	Robert S. Russell,
James P. Barbour,	Alfred Johnston,	Nathaniel P. Saunders,
William C. Bullock,	John C. Kouns,	Berry Smith,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith,
John Eaker,	Thomas P. Linthicum,	William Sterett,
Abijah Gilbert,	Beriah Magoffin,	Caleb B. Wallace,
James W. Hays,	William N. Marshall,	Thomas I. Young—26.
Elihu Hogan,	Hamilton Pope,	

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act to increase the jurisdiction of Justices of the Peace.

Ordered, That the further consideration of said bill be postponed, and made the special order for Friday, the 21st inst.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act concerning free negroes and mulattoes.

Ordered, That the further consideration of said bill be postponed, and made the special order for Wednesday, the 26th inst.

The Senate, according to order, took up for consideration a bill requiring the registration of births, marriages, and deaths.

Ordered, That the further consideration of said bill be postponed, and made the special order for Wednesday, the 19th inst.

On motion of Mr. Hays,

Ordered, That a message be sent to the House of Representatives,

asking leave to withdraw the announcement of the passage of a bill, entitled, an act to revise the Statutes.

Mr. Hays was appointed to bear said message.

Mr. Eaker moved to reconsider the vote by which a bill to amend the exemption laws was rejected.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be re-committed to the select committee, consisting of Messrs. O. P. Hogan, Pope, Irwin, Bullock, and Anderson.

And then the Senate adjourned.

TUESDAY, FEBRUARY 18, 1851.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to bills from that House, of the following titles, viz:

An act to incorporate the Kentucky Savings Bank, at Louisville.

An act to establish District, No. 7, in the county of Laurel, and for other purposes.

That they had passed bills from the Senate, of the following titles, viz:

An act to amend the charter of the Lebanon and Perryville Turnpike Road Company.

An act to authorize the town of Paducah to subscribe stock in a Plank Road and the Duck River Slackwater Navigation Company.

That they had passed bills of the following titles, viz:

1. An act to amend an act, entitled, an act to incorporate the Literary Institution of St. Magdalen, approved December 19, 1839.
2. An act to incorporate the University of Paducah.
3. An act for the benefit of Common Schools in Anderson county.
4. An act for the benefit of Riley McGuire.
5. An act to incorporate Russellville Division, No. 51, Sons of Temperance.

6. An act to incorporate the Hancock Manufacturing Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, and 3d to the committee on Education; the 4th and 5th to the committee on the Judiciary; and the 6th to the committee on Agriculture and Manufactures.

Mr. Ritter presented the petition of the Trustees of the Parsonage of the Glasgow circuit of the Louisville Conference of the Methodist Episcopal Church, South, praying the passage of a law authorizing them to sell said parsonage and the lands belonging thereto.

Which petition was received, the reading dispensed with, and referred to the committee on the Judiciary.

Mr. Marshall, from a select committee, reported a bill to amend the charter of the Taylor County Turnpike Road Company, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their concurrence in the amendment proposed by the Senate, to a bill from that House, entitled, an act to incorporate the Deposit Bank of Paris, Bourbon county; which was granted.

Mr. Eaker, from the committee on Finance, to whom was referred a bill providing for the payment of the orders of the School Commissioners for the year 1850, reported the same with an amendment, which was concurred in.

Said bill, as amended, reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor shall issue his warrant for the orders of the School Commissioners for the year 1850, when made out and presented in proper form, and that the Treasurer shall pay the same, when presented for payment, out of any moneys that may be in the Treasury, not otherwise appropriated: *Provided, however*, that the payments shall be made first out of the funds in the Treasury to the credit of Common Schools.

Mr. Barbour moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Eaker and Wallace, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	William N. Marshall,
Hall Anderson,	Overton P. Hogan,	Thomas Rouse,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	James M. Shepard,
Abijah Gilbert,	John W. Leathers,	Thomas J. Smith,
Richard C. Graves,	Thomas P. Linthicum,	Caleb B. Wallace—20.
James W. Hays,	Beriah Magoffin,	

Those who voted in the negative, were—

John P. Bruce,	Alfred Johnston,	Robert S. Russell,
William C. Bullock,	Fitch Munger,	Berry Smith,
Walter Chiles,	Hamilton Pope,	William Sterret,
Sam. Daviess Delany,	Camden Riley,	Thomas I. Young—14.
John Eaker,	John W. Ritter,	

The bill, entitled, an act to revise the Statutes, having been returned to the Senate, Mr. Hays moved a reconsideration of the votes by which said bill was passed and ordered to be read a third time.

And the question being taken on reconsidering said votes, it was decided in the affirmative.

Ordered, That the further consideration of said bill be postponed for the present.

Mr. Linthicum, from the select committee, made the following report:

The select committee, to whom was referred Senate bill, No. 154, for the payment of the debts now due, and for the further prosecution of the work on the Second Kentucky Lunatic Asylum, with the accompanying instructions of the Senate, beg leave to report that, from all the information your committee has been enabled to collect, in the short time allotted for its action, it is believed the present indebtedness of the State, for work done and materials furnished for this building, and for which there is no appropriation made by law, was, up to the 1st day of January, 1851, $21,261 31; and that to pay the contracts now made and partly executed, the further sum of about $8,738 69 will be required—making an aggregate of $30,000—and for which the State stands bound, under contracts heretofore made by the present Commissioners, acting under and by virtue of the act of Assembly in relation to said Asylum, approved the 28th day of February, 1848. To meet this liability on the part of the State, and to comply with the further instructions of the Senate, your committee present the accompanying bill.

Mr. Linthicum, from a select committee, to whom was referred a bill for the payment of the debts now due, and for the further prosecution of the work on the Second Kentucky Lunatic Asylum, reported the same with an amendment, as a substitute for said bill.

Ordered, That said bill and amendment be referred to a committee of the whole.

Whereupon, the Senate resolved itself into a committee of the whole on said bill and amendment, Mr. Ritter in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Ritter reported

that the committee had, according to order, had under consideration the bill and amendment aforesaid, and had instructed him to report said bill, and the amendment as a substitute for said bill, to the Senate.

Said bill reads as follows, viz:

Whereas, it appears from the report of the Commissioners engaged in the erection of the Second Kentucky Lunatic Asylum, that the Commonwealth stands indebted to the contractors and laborers on said Asylum in the sum of $21,261 31, for the payment of which no provision has been made by law; and, whereas, it also appears that said Asylum is not fully covered in and protected, and that all appropriations heretofore made are exhausted. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the appropriations heretofore made, for the erection of said Second Kentucky Lunatic Asylum, that there is now appropriated thirty thousand dollars; which sum shall be used, first for the payment of debts due to contractors and others, and the remainder in putting said building under roof, and for such work as will be necessary for the protection and security of said building; and that the same be payable, quarterly, out of any money in the Treasury, not otherwise appropriated.

§ 2. That the further sum of five thousand dollars per annum, for seven years next hereafter, be appropriated for the completion of said building, to be paid in quarterly installments, out of any money in the Treasury, not otherwise appropriated; and that the Commissioners for the erection of said building shall be and they are hereby restricted to said sum of five thousand dollars per annum, for the time aforesaid, in the letting out the work, and contracting with workmen and laborers for the completion of said building; and in case said amount be transcended in such contracts, the State of Kentucky will not be responsible for the same.

The amendment, as a substitute for said bill, was amended to read as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the appropriations heretofore made for the erection of the Second Kentucky Lunatic Asylum, there is hereby appropriated the sum of thirty thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated; and the Second Auditor is directed to issue his warrant on the Treasurer for the same, on the application of the Commissioners appointed under the provisions of the second and eighth sections of an act approved the 28th day of February, 1848, concerning said Asylum. The debts now due to contractors and others to be paid out of the same first, the residue to be applied to the payment of the other existing liabilities of the State, so soon as the contracts for said existing liabilities are complied with; and if there be any of the said sum remaining, the balance to be applied to the completion of one or more rooms in said Asylum: *Provided*, if a vacancy occurs in the Commissioners appointed as aforesaid, the Governor of this State shall fill the vacancy by appointment; and such person or persons thus appointed shall execute bond, as required of the former

Commissioners, and proceed to discharge the duties of the said Commissioners, required by this act.

§ 2. That all laws, vesting power and authority in said Commissioners to contract any debt or liability on the part of the State beyond the sum specified in this act, be and the same are hereby repealed.

§ 3. That Dr. James B. Bowling, of Logan county, D. S. Howell, of Bardstown, and John G. Handy, of Mercer county, be and they are hereby appointed Commissioners to visit the Second Kentucky Lunatic Asylum, to inspect the same and every thing pertaining thereto; to ascertain what it will cost to prepare the same for the accommodation of fifty inmates; what one hundred; what two hundred; and what to complete the building. To state and settle the accounts of the present Commissioners; to make out a particular description of the building and all of its appertenances; and to make out a report, accompanied with all other information material to be known, and present the same to the next Legislature of Kentucky. If any one or more of said Commissioners fail or refuse to act, the Governor of this State shall fill the vacancy so created.

§ 4. That the further sum of five thousand dollars be appropriated, for the purpose of progressing with said building for the year 1851, to be paid quarterly out of any money in the Treasury, not otherwise appropriated; and that the Commissioners, for the erection of said building, shall expend said sum in finishing off, in a neat, plain, and substantial manner, as many rooms in said building as said five thousand dollars will complete, preferring such rooms as will prepare for the reception of the greatest number of inmates, and upon no other part of said building; and they are restricted to the said sum of five thousand dollars, in the letting out the work and contracting with workmen and laborers; and in case the expenditure of said amount be transcended in such contracts, the State will, in no wise, be responsible for the same; and the Second Auditor is directed to issue his warrant on the Treasurer for the same, on the application of the Commissioners appointed under the provisions of the second section of an act approved the 28th day of February, 1848, concerning said Asylum.

And the question being taken on the adoption of said substitute, in lieu of the original bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Chiles and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Camden Riley,
Hall Anderson,	Alfred Johnston,	John W. Ritter,
James P. Barbour,	John C. Kouns,	Thomas Rouse,
John P. Bruce,	John W. Leathers,	Robert S. Russell,
Wlliam C. Bullock,	Thomas P. Linthicum,	Nathaniel P. Saunders,
John Eaker,	Beriah Magoffin,	James M. Shepard,
Richard C. Graves,	William N. Marshall,	Berry Smith,
James W. Hays,	Daniel Morgan,	Thomas J. Smith,
Elihu Hogan,	Fitch Munger,	Caleb B. Wallace—29.
Overton P. Hogan,	Hamilton Pope,	

Those who voted in the negative, were

Walter Chiles,	Abijah Gilbert.	Thomas I. Young—5.
Sam. Daviess Delany,	William Sterett,	

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
Hall Anderson,	James W. Irwin,	Camden Riley,
James P. Barbour,	Alfred Johnston,	John W. Ritter,
John P. Bruce,	John C. Kouns,	Robert S. Russell,
William C. Bullock,	John W. Leathers,	Nathaniel P. Saunders,
John Eaker,	Thomas P. Linthicum,	James M. Shepard,
Richard C. Graves,	Beriah Magoffin,	William Sterett,
James W. Hays,	Daniel Morgan,	Caleb B. Wallace—26.
Elihu Hogan,	Fitch Munger,	

Those who voted in the negative, were

Walter Chiles,	Wm. N. Marshall,	Thomas J. Smith,
Sam. Daviess Delany,	Thomas Rouse,	Thomas I. Young—8.
Abijah Gilbert,	Berry Smith,	

Resolved, That the title of said bill be amended, by adding, "and to appoint Commissioners to visit the same."

Mr. Magoffin presented to the Senate a substitute for the second section of the bill to apportion representation, which he intended to offer at the proper time.

Ordered, That the Public Printer print 150 copies of said substitute for the use of the General Assembly.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act incorporating the German Lutheran Presbyterian Church, in Newport.

2. An act authorizing the Trustees of Winchester to sell the public spring lot in said town.

3. An act authorizing the sale of certain streets in the town of Glasgow.

4. An act to change the corporate limits of the town of Moscow, in Hickman county.

5. An act further to regulate the town of Bowlinggreen.

6. An act to incorporate Georgetown Chapter, No. 13, of Free and Ac-

cepted Masons, and to amend an act incorporating Mount Vernon Lodge, No. 14.

7. An act to incorporate Sligo Division, No 18, Sons of Temperance, in Henry county.

8. An act to amend an act appointing Trustees for Moscow Seminary in Hickman county.

9. An act authorizing the sale of certain streets and an alley in the town of Russellville.

10. An act changing the spring term of the Calloway and Graves Circuit Courts.

11. An act to incorporate the Louisville Paper Mill.

12. An act to incorporate the Cumberland Presbyterian Church, in the town of Paducah.

13. An act to incorporate Hobson Lodge, No. 63, Independent Order of Odd Fellows.

14. An act to incorporate the Carrollton Library Society.

15. An act relative to holding elections in certain districts in Owen and Mason counties.

16. An act to extend the limits of the town of West Liberty.

17. An act changing the boundary lines of District, No. 8, in Carter county.

18. An act to authorize the Trustees of Winchester to sell the stray pen, and prescribing the duties of the Clarke County Court in regard to strays.

19. An act to amend an act, entitled, an act to incorporate the Paris, Winchester, and Kentucky River Turnpike Road Company, &c., approved February 25, 1848.

20. An act to prevent the destruction of fish in Barebone creek, in Trimble county, and Floyd's fork, in Jefferson county.

21. An act for the benefit of John Clay, of Nicholas county.

22. An act to incorporate Montgomery Lodge, No. 18, of the Independent Order of Odd Fellows.

23. An act to incorporate the town of Mountsterling.

24. An act to create the offices of Police Judge and Marshal in the town of Moscow, in Hickman county.

25. An act to amend an act, entitled, an act to amend the charter of the Oakland Turnpike Company, approved February 14, 1850.

26. An act to amend the charter of the Covington and Lexington Railroad Company.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 12th to the committee on Religion; the 2d, 3d, 6th, 7th, 9th, 11th, 13th, 18th, 21st, 22d,

23d, and 24th to the committee on the Judiciary; the 4th, 5th, 16th, and 17th to the committee on Propositions and Grievances; the 8th and 14th to the committee on Education; the 10th to the committee on Circuit Courts; the 15th to the committee on Privileges and Elections; the 19th, 25th, and 26th to the committee on Internal Improvement, and the 20th to the committee on Agriculture and Manufactures.

A bill from the House of Representatives, entitled, an act to encourage the construction of Plank, Turnpike, and Railroads in Daviess county, was read the first time and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to apportion representation, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Hays moved that said bill be made the special order, in committee of the whole, for to-morrow, at half past 9 o'clock.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leathers and Hays, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Fitch Munger,
Hall Anderson,	Richard C. Graves,	Hamilton Pope,
Camden M. Ballard,	James W. Hays,	Camden Riley,
James P. Barbour,	Elihu Hogan,	John W. Ritter,
Wm. C. Bullock,	James W. Irwin,	William Sterett,
Walter Chiles,	Thomas P. Linthicum,	Caleb B. Wallace—18.

Those who voted in the negative, were

John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John W. Leathers,	James M. Shepard,
John Eaker,	Beriah Magoffin,	Berry Smith,
Overton P. Hogan,	William N. Marshall,	Thos. J. Smith,
Alfred Johnston,	Thomas Rouse,	Thomas I. Young—15.

On motion of Mr. T. J. Smith, leave was given to bring in a bill to authorize the voters of Allen county to tax the property of said county for the purpose of building a railroad through said county.

Ordered, That the committee on Internal Improvement prepare and bring in said bill.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 19, 1851.

A message was received from the House of Representatives announcing their disagreement to the amendment proposed by the Senate, to a bill from that House, entitled,

An act to incorporate the Deposit Bank of Paris, Bourbon county.

That they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of Mrs. Ann Ellis, of Todd county.

An act to incorporate the Falls City Insurance Company.

An act to incorporate the Grand Temple of Honor, of the State of Kentucky, and the subordinate Temples.

An act to amend an act, entitled, an act to incorporate the Columbus Fire, Life, and Marine Insurance Company.

An act to amend an act, entitled, an act to incorporate the Hopkinsville Fire, Life, and Marine Insurance Company.

An act in relation to the city of Newport.

An act to incorporate the Narrow's Bridge Company.

That they had passed bills of the following titles, viz:

An act regulating allowances to masters, auditors, and commissioners in chancery.

An act to establish a Police Judge in the town of Carrollton.

An act to authorize the Trustees of Winchester to reduce the width of Main cross street in said town.

An act to incorporate Hancock Mining Company.

An act to legalize the appointment of Assessors of Tax by the County Court of Daviess at their February term, 1851.

Mr. Graves presented the petition of sundry citizens of Kentucky, praying the passage of a law to allow "Coffeen's Chinese Liniment" to be sold without license.

Which petition was received, the reading dispensed with, and referred to the committee on Finance.

Mr. Wallace, from the committee on Education, reported a bill for the benefit of School District, No. 4, in Christian county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Mr. Wallace, from the committee on Education, reported a bill for the

benefit of certain School Districts in the counties of Knox and Whitley, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

The question was taken on engrossing and reading said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Young, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	John C. Kouns,	Thomas Rouse,
James P. Barbour,	John W. Leathers,	Berry Smith,
John P. Bruce,	Thomas P. Linthicum,	Thomas J. Smith,
Sam. Daviess Delany,	Wm. N. Marshall,	Caleb B. Wallace,
Abijah Gilbert,	Robert A. Patterson,	Thomas I. Young—19.
Elihu Hogan,		

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	Robert S. Russell,
William C. Bullock,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	Hamilton Pope,	James M. Shepard,
John Eaker,	Camden Riley,	William Sterett—13.
James W. Hays,		

Mr. Barbour, from a select committee, to whom was referred a bill to provide for the organization of the militia of this State, reported the same with an amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the adjutant general be and he is hereby authorized and instructed to organize and lay off the militia of this state into divisions, brigades, and regiments, assigning to each, as near as convenient and practicable, an equal number of rank and file; which organization shall be submitted to the governor and commander in chief, and, if approved by him, shall be adopted and published in general orders for the government of the militia. It shall be his duty, also, in publishing the organization, to prescribe the time at which elections shall be held for company, field, and general officers, and the mode of certifying the same to the adjutant general, on which commissions are to issue in conformity to the constitution.

§ 2. In laying off the state into regiments, it shall be the duty of the adjutant general to give to each county one regiment, where the number of men subject to militia duty in such counties shall approximate the number required by the act of congress to constitute a regiment; and in the formation of brigades and divisions, he shall make them as nearly equal in strength, and as compact and convenient as practicable.

§ 3. That in consideration of the greatly increased labor of the adjutant general, organizing the militia, recording and transmitting commissions, as provided by law, his salary for one year shall be dollars, to be computed from the passage of this act, payable quarterly, as heretofore.

The amendment reported by the committee is, to fill the blank in the third section with the sum of "*four hundred.*"

And the question being taken on concurring in said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Chiles and Graves, were as follows, viz:

Those who voted in the affirmative, were

James P. Barbour,	William N. Marshall,	Hamilton Pope,
Elihu Hogan,	Daniel Morgan,	Robert S. Russell,
James W. Irwin,	Fitch Munger,	James M. Shepard—11.
John W. Leathers,	Robert A. Patterson,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	John W. Ritter,
Hall Anderson,	Richard C. Graves,	Thomas Rouse,
Camden M. Ballard,	James W. Hays,	Nathaniel P. Saunders,
John P. Bruce,	Overton P. Hogan,	Berry Smith,
William C. Bullock,	Alfred Johnston,	Thomas J. Smith,
Joshua Buster,	John C. Kouns,	William Sterett,
Walter Chiles,	Thomas P. Linthicum,	Caleb B. Wallace,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas I. Young—26.
John Eaker,	Camden Riley,	

Mr. Marshall moved to fill said blank with the sum of "*three hundred.*"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leathers and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, (Grey,)	James W. Irwin,	Fitch Munger,
James P. Barbour,	Alfred Johnston,	Robert A. Patterson,
William C. Bullock,	John C. Kouns,	Hamilton Pope,
Sam. Daviess Delany,	John W. Leathers,	Camden Riley,
John Eaker,	Thomas P. Linthicum,	Robert S. Russell,
Elihu Hogan,	William N. Marshall,	James M. Shepard,
Overton P. Hogan,	Daniel Morgan,	William Sterett—21.

Those who voted in the negative, were—

Hall Anderson,	Richard C. Graves,	Nathaniel P. Saunders,
Camden M. Ballard,	James W. Hays,	Berry Smith,
John P. Bruce,	Beriah Magoffin,	Thomas J. Smith,
Joshua Buster,	John W. Ritter,	Caleb B. Wallace,
Walter Chiles,	Thomas Rouse,	Thomas I. Young—16.
Abijah Gilbert,		

Said bill was further amended.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed.

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Linthicum, from the committee on Circuit Courts, to whom was referred a bill from the House of Representatives, entitled, an act changing the spring term of the Calloway and Graves Circuit Courts, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill for the benefit of Malachi A. Pickering, of Caldwell county.

By Mr. Bullock, from the committee on County Courts—A bill to amend the charter of the Clear Creek Turnpike Road Company, of Shelby county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
February 19, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent, Col. Wm. L. Harlan, to be Brigadier General of the 6th Brigade, in place of John W. Forbes, resigned.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

Leave was given to bring in the following bills, viz:

On motion of Mr. Delany—1. A bill to establish a Police Court in the town of Caseyville.

On motion of Mr. Bullock—2. A bill to amend the charter of the Clear Creek Turnpike Road Company, of Shelby county.

On motion of Mr. Patterson—3. A bill to amend an act, entitled, "an act for the benefit of the Internal Improvement Fund of McCracken county."

On motion of Mr. Shepard—4. A bill to amend the charter of the town of Georgetown.

On motion of Mr. Wallace—5. A bill to establish a Deposit Bank in Danville.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on County Courts the 2d; the committee on Internal Improvement the 3d; the committee on Banks the 5th; and Messrs. Shepard, Wallace, and Magoffin were appointed a committee to prepare and bring in the 4th.

A message was received from the House of Representatives, asking leave to withdraw the announcment of the passage of a bill, entitled, an act to amend an act to incorporate the town of Lancaster.

The vote referring said bill to the committee on Judiciary was reconsidered, and the leave was granted, and the bill withdrawn.

The following bills came up in the orders of the day, viz:

1. A bill requiring the registration of births, marriages, and deaths.
2. A bill for the benefit of the heirs of Benj. F. Thomas, deceased.
3. A bill providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein.

Ordered, That the further consideration of said bills be postponed, and the 1st made the special order for the 21st instant; the 2d for the 20th inst., at 10 o'clock; and the 3d for the 26th inst., at half past 9 o'clock, in committee of the whole.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act to apportion representation.

Mr. Hays moved that the Senate resolve itself into a committee of the whole on said bill.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hays and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Fitch Munger,
Hall Anderson,	James W. Hays,	Hamilton Pope,
James P. Barbour,	Elihu Hogan,	John W. Ritter,
Wm. C. Bullock,	James W. Irwin,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	William Sterett,
Abijah Gilbert,	Daniel Morgan,	Caleb B. Wallace—18.

Those who voted in the negative, were

Camden M. Ballard,	Alfred Johnston,	Camden Riley,
John P. Bruce,	John C. Kouns,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,

Sam. Daviess Delany, Beriah Magoffin, Berry Smith,
John Eaker, William N. Marshall, Thomas J. Smith,
Overton P. Hogan, Robert A. Patterson. Thomas I. Young—18.

Mr. Bruce moved a reconsideration of said vote.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bruce and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) James W. Irwin, Thomas Rouse,
John P. Bruce, Alfred Johnston, Nathaniel P. Saunders,
Sam. Daviess Delany, John W. Leathers, Berry Smith,
John Eaker, Robert A. Patterson, Thomas J. Smith,
Overton P. Hogan, Camden Riley, Thomas I. Young—15.

Those who voted in the negative, were—

Hall Anderson, Richard C. Graves, Daniel Morgan,
Camden M. Ballard, James W. Hays, Fitch Munger,
James P. Barbour, Elihu Hogan, Hamilton Pope,
William C. Bullock, John C. Kouns, John W. Ritter,
Joshua Buster, Thomas P. Linthicum, James M. Shepard,
Walter Chiles, Beriah Magoffin, William Sterret,
Abijah Gilbert, William N. Marshall, Caleb B. Wallace—21.

Ordered, That the further consideration of said bill be postponed, and made the special order of the day, in committee of the whole, for Tuesday, the 25th inst., at half past 9 o'clock, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Senate, according to order, took up for consideration the bill to apportion representation.

Ordered, That the further consideration of said bill be postponed, and made the special order of the day, in committee of the whole, for Tuesday, the 25th inst., at half past 9 o'clock.

The Senate resumed the consideration of the bill to revise the Statutes.

One of the sections in said bill reads as follows, viz:

Each commonwealth's attorney shall receive, annually, a salary of *six hundred* dollars, payable quarterly out of the public treasury, commencing from the time of his qualification under his commission.

Mr. Hays moved to amend said section, by striking out the words "six hundred," printed in italics.

And the question being taken thereon, it was decided in the affirmative.

Mr. Patterson moved to fill said blank with the sum of "*five hundred.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Young and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Fitch Munger,	Camden Riley,
Elihu Hogan,	Robert A. Patterson,	James M. Shepard—8.
John W. Leathers,	Hamilton Pope,	

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	John W. Ritter,
Camden M. Ballard,	James W. Hays,	Thomas Rouse,
James P. Barbour,	Overton P. Hogan,	Nathaniel P. Saunders,
John P. Bruce,	James W. Irwin,	Berry Smith,
William C. Bullock,	Alfred Johnston,	Thomas J. Smith,
Joshua Buster,	John C. Kouns,	William Sterett,
Sam. Daviess Delany,	Thomas P. Linthicum,	Caleb B. Wallace,
John Eaker,	Beriah Magoffin,	Thomas I. Young—26.
Abijah Gilbert,	William N. Marshall,	

Mr. Leathers moved to fill said blank with the sum of "*four hundred and fifty.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Leathers and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John W. Leathers,	Hamilton Pope,
Walter Chiles,	Fitch Munger,	Camden Riley,
Elihu Hogan,	Robert A. Patterson,	James M. Shepard—9.

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	John W. Ritter,
Camden M. Ballard,	Overton P. Hogan,	Thomas Rouse,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
William C. Bullock,	Alfred Johnston,	Berry Smith,
Joshua Buster,	John C. Kouns,	Thomas J. Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	William Sterett,
John Eaker,	Beriah Magoffin,	Caleb B. Wallace,
Abijah Gilbert,	William N. Marshall,	Thomas I. Young—25.
Richard C. Graves,		

Mr. Graves moved to fill said blank with the sum of "*four hundred.*"

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and Hays, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Thomas Rouse,
Hall Anderson,	Fitch Munger,	James M. Shepard,
John P. Bruce,	Robert A. Patterson,	William Sterett,
Wm. C. Bullock,	Hamilton Pope,	Caleb B. Wallace—14.
Richard C. Graves,	Camden Riley,	

Those who voted in the negative, were

Camden M. Ballard,	James W. Hays,	Beriah Magoffin,
James P. Barbour,	Elihu Hogan,	William N. Marshall,
Joshua Buster,	Overton P. Hogan,	John W. Ritter,
Walter Chiles,	James W. Irwin,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Alfred Johnston,	Berry Smith,
John Eaker,	John W. Leathers,	Thos. J. Smith,
Abijah Gilbert,	Thomas P. Linthicum,	Thomas I. Young—21.

Mr. Graves moved to fill said blank with the sum of "*three hundred and fifty.*"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, (Grey,)	Sam. Daviess Delany,	Thomas P. Linthicum,
Hall Anderson,	John Eaker,	Hamilton Pope,
James P. Barbour,	Abijah Gilbert,	Camden Riley,
John P. Bruce,	Richard C. Graves,	Thomas Rouse,
William C. Bullock,	Elihu Hogan,	James M. Shepard,
Joshua Buster,	Alfred Johnston,	William Sterett,
Walter Chiles,	John C. Kouns,	Caleb B. Wallace—21.

Those who voted in the negative, were—

Camden M. Ballard,	Beriah Magoffin,	Nathaniel P. Saunders,
James W. Hays,	William N. Marshall,	Berry Smith,
Overton P. Hogan,	Fitch Munger,	Thomas J. Smith,
James W. Irwin,	Robert A. Patterson,	Thomas I. Young—14.
John W. Leathers,	John W. Ritter,	

Another section in said bill reads as follows, viz:

Sheriffs shall be allowed, by the auditor, the following commissions upon the sums collected and accounted for, or paid into the treasury, in each year:

Upon the first three thousand dollars, seven and one half per cent.; and upon all sums over three thousand dollars, five per cent.

Mr. Irwin moved to amend said section, by striking out all that part printed in italics, and inserting in lieu thereof the following, viz:

Upon the first thousand dollars, eight per cent.; on the second thousand, six per cent; on the third thousand, five per cent; on the fourth thousand, four per cent.; and on all above four thousand, three per cent.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Overton P. Hogan,	Thomas Rouse,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,

Joshua Buster,	Alfred Johnston,	Berry Smith,
John Eaker,	John C. Kouns,	Thomas J. Smith,
Abijah Gilbert,	William N. Marshall,	William Sterett,
James W. Hays,	Camden Riley,	Thomas I. Young—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Robert A. Patterson,
Hall Anderson,	John W. Leathers,	Hamilton Pope,
William C. Bullock,	Thomas P. Linthicum,	John W. Ritter,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,
Sam. Daviess Delany,	Fitch Munger,	Caleb B. Wallace—16.
Richard C. Graves,		

And then the Senate adjourned.

THURSDAY, FEBRUARY 20, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act to incorporate the Louisville and Mississippi or Ohio River Railroad Company.

An act to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company.

That they had passed bills of the following titles, viz:

An act to incorporate the town of Williamsburg, in Whitley county.

An act to amend the charter of the Maysville, Orangeburg, and Mount Carmel Turnpike road.

An act to incorporate a Turnpike road from Germantown to Gault's mill, on the North fork, in Mason county.

An act to incorporate a Turnpike road from Germantown to Thompson's ford, on the North fork, in Bracken county.

An act to amend an act, entitled, an act to incorporate the Sardis Turnpike Road Company, approved March 1, 1848.

An act to authorize the County Court of Montgomery to issue the bonds of said county for Internal Improvement purposes, and to establish a Board of Internal Improvement to manage said bonds.

An act to amend an act to revive and amend an act to incorporate the Stanford and Lancaster Turnpike Road Conpany, approved March 7, 1850.

Mr. Pope, from the committee on the Judiciary, to whom were referred bills from the House of Representatives of the following titles, viz:

An act to incorporate the Louisville Paper Mill.

An act to incorporate Sligo Division, No 18, Sons of Temperance, in Henry county.

An act to incorporate Hobson Lodge, No. 63, Independent Order of Odd Fellows.

An act to incorporate Georgetown Chapter, No. 13, of Free and Accepted Masons, and to amend an act incorporating Mount Vernon Lodge, No. 14.

An act authorizing the sale of certain streets in the town of Glasgow.

An act authorizing the Trustees of Winchester to sell the public spring lot in said town.

An act for the benefit of John Clay, of Nicholas county.

An act to incorporate Russellville Division, No. 51, Sons of Temperance.

An act to incorporate Montgomery Lodge, No. 18, of the Independent Order of Odd Fellows.

An act to create the offices of Police Judge and Marshal in the town of Moscow, in Hickman county.

An act to authorize the Trustees of Winchester to sell the stray pen, and prescribing the duties of the Clarke County Court in regard to strays.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Riley McGuire, reported the same, with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Young, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act relative to holding elections in certain districts in Owen and Mason counties, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. T. J. Smith, from the committee on Religion, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act incorporating the United Baptist Church, in Taylor county.

An act to incorporate the Cumberland Presbyterian Church, in the town of Paducah.

An act incorporating the German Lutheran Presbyterian St. John's Church, in Newport.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to amend an act, entitled, an act to incorporate the Paris, Winchester, and Kentucky River Turnpike Road Company, &c., approved February 25, 1848.

An act to amend the charter of the Covington and Lexington Railroad Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. T. J. Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the County Court of Nelson to subscribe stock in the Louisville and Nashville Railroad Company, reported the same with amendments, which were concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title be amended, to read, "an act to authorize the County Courts of Nelson and Barren to subscribe stock in the Louisville and Nashville Railroad Company under the charter approved March 4, 1850.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Alfred F. Gowdey, Clerk of the Taylor County Court.

An act to regulate the commissions of Sheriffs on the collection of taxes imposed by County Courts on the *ad valorem* principle.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to amend the Common School laws.

An act to charter the Louisville Homœpathic College of Medicine.

An act to amend an act appointing Trustees for Moscow Seminary, in Hickman county.

An act to incorporate the Medico Chirurgical Society, of the Kentucky School of Medicine, in the city of Louisville.

An act in relation to Flint Island School District, No. 5, in Breckinridge county.

Reported the same, with an amendment to the last bill, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Magoffin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Common Schools in Anderson county, reported the same without amendment.

Ordered, That said bill be read a third time.

Mr. Irwin, from the committee on Agriculture and Manufactures, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Hancock Manufacturing Company, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to prevent the destruction of fish in Barebone creek, in Trimble county, and Floyd's fork, in Jefferson county, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be amended, by striking out "and Floyd's fork, in Jefferson county."

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill to incorporate Pikeville Division, No. 79, Sons of Temperance.

By same—A bill authorizing Christian county to be divided into nine districts, for the election of Justices of the Peace and Constables.

By Mr. Hays, from the same committee—A bill to incorporate Blandville Lodge, No. 142, of Free and Accepted Masons.

By Mr. Irwin, from the committee on Internal Improvement—A bill to amend an act, entitled, an act to charter the Bowlinggreen and Tennessee Railroad Company.

By Mr. T. J. Smith, from the same committee—A bill authorizing the Allen County Court to subscribe stock in the Louisville and Nashville Railroad.

By Mr. Chiles, from the committee on Finance—A bill for the benefit of the Sheriff of Boone county.

By Mr. Wallace, from the committee on Education—A bill to incorporate Union College, in the town of Morganfield, in Union county.

By Mr. Bullock, from a select committee—A bill to incorporate the Peacock Coal Mining Company, of Owsley county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Bullock—1. A bill to amend an act, entitled, an act to incorporate the Shelbyville and Taylorsville Turnpike Road Company.

On motion of Mr. Kouns—2. A bill for the benefit of the Sheriff of Lawrence county.

On motion of Mr. Rouse—3. A bill for the benefit of David Hogan, of Boone county.

The committee on the Judiciary was directed to prepare and bring in the 1st and 2d; and the committee on Finance the 3d.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled,

An act to incorporate the Falls City Insurance Company, at Louisville.

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

On motion of Mr. Wallace,

Ordered, That a message be sent to the House of Representatives, requesting the appointment of a committee on their part, to act in conjunction with a committee on the part of the Senate, to wait on the Governor, and ask leave to withdraw an enrolled bill, which originated in the Senate, entitled, an act to amend the charter of the Lexington and Danville Railroad Company.

Ordered, That Mr. Wallace inform the House of Representatives thereof.

After a short time, a message was received from the House of Representatives, announcing the appointment of a committee on their part.

Whereupon, Mr. Wallace was appointed a committee on the part of the Senate.

After a short time, Mr. Wallace reported that the joint committee had performed the duty assigned them, and had withdrawn said bill and returned it to the House of Representatives.

The Senate, according to order, took up for consideration a bill for the benefit of the heirs of Benjamin F. Thomas, deceased.

Said bill reads as follows, viz:

Whereas, it appears that on the 25th day of March, in the year 1843, Thomas C. Barnes, James W. Thomas, and William L. Sudduth, (rep-

The following bills were reported, viz:

By Mr. Bullock, from the committee on the Judiciary—A bill to amend an act, entitled, an act to incorporate the Shelbyville and Taylorsville Turnpike Road Company.

By Mr. Chiles, from the committee on Finance—A bill for the benefit of the Sheriff of Lawrence county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Leathers—1. A bill to incorporate the Newport and Licking River Turnpike or Plank Road Company.

On motion of same—2. A bill to amend and reduce into one the several acts in relation to the city of Newport.

The committee on Internal Improvement was directed to prepare and bring in the 1st; and the committee on the Judiciary the 2d.

A bill from the House of Representatives, entitled, an act to incorporate the town of Williamsburg, in Whitley county, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Graves moved the following preamble and resolution, viz:

Whereas, it has been recommended that the approaching anniversary of the birth of General Washington should be specially observed by all the friends of the Union, which was formed under his presiding care and superintending patriotism: Therefore,

Resolved, That the Senate do now adjourn until Monday morning at 9 o'clock.

And then the Senate adjourned.

MONDAY, FEBRUARY 24, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled,

An act to provide for the appointment of Circuit Judges, *pro tem.*

That they had passed a bill, entitled,

An act providing for the election of Public Printer.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the committee on Privileges and Elections.

Mr. Leathers presented the petition of the members of the Kenton bar, praying the passage of a law to add the county of Campbell to the 8th Judicial District.

Which petition was received, the reading dispensed with, and referred to the committee on Circuit Courts.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act regulating allowances to masters, auditors, and commissioners in chancery.

2. An act to authorize the County Court of Bourbon to issue bonds and to subscribe stock in the Covington and Lexington, and in the Maysville and Lexington Railroad Companies.

3. An act to incorporate the Western Coal and Manufacturing Company.

4. An act to establish a Police Judge in the town of Carrollton.

5. An act to authorize the Trustees of Winchester to reduce the width of Main cross street in said town.

6. An act to incorporate Hancock Mining Company.

7. An act to amend the charter of the Maysville, Orangeburg, and Mount Carmel Turnpike road.

8. An act to incorporate a Turnpike road from Germantown to Gault's mill, on the North fork, in Mason county.

9. An act to incorporate a Turnpike road from Germantown to Thompson's ford, on the North fork, in Bracken county.

10. An act to amend an act, entitled, an act to incorporate the Sardis Turnpike Road Company, approved March 1, 1848.

11. An act to authorize the County Court of Montgomery to issue the

bonds of said county for Internal Improvement purposes, and to establish a Board of Internal Improvement to manage said bonds.

12. An act to amend an act to revive and amend an act to incorporate the Stanford and Lancaster Turnpike Road Company, approved March 7, 1850.

13. An act in relation to Justices' and Constables' districts in Fleming county.

14. An act to change the place of voting in the 4th district, in Cumberland county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 4th, and 5th to the committee on the Judiciary; the 2d, 7th, 8th, 9th, 10th, 11th, and 12th to the committee on Internal Improvement; the 3d and 6th to the committee on Agriculture and Manufactures; and the 13th and 14th to the committee on Privileges and Elections.

A bill from the House of Representatives, entitled, an act to legalize the appointment of Assessors of Tax by the County Court of Daviess at their February term, 1851, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of James Clarke, late Sheriff of Casey county.

An act for the benefit of William Abner, of Owsley county.

An act to incorporate the Kentucky Savings Bank, at Louisville.

An act for the benefit of the Sheriffs of Bullitt county.

An act for the benefit of the Sheriffs of Hopkins and Logan counties.

An act to surrender to the counties through which the Owingsville and Big Sandy Turnpike Road runs, the control of said road, and declare the same a county road.

An act to repeal, in part, the law establishing the road from London, by the way of Williamsburg, to the Tennessee line.

An act to establish District, No. 7, in the county of Laurel, and for other purposes.

An act for the benefit of the Portland Dry Dock and Insurance Company.

An act to extend the corporate limits of Newport.

An act to amend the charter of East Maysville, in Mason county.

An act amending an act for the benefit of Mary Ridge and Maria Davenport, approved February 9, 1850.

An act to incorporate Wildey Lodge, No. 40, Independent Order of Odd Fellows.

An act to incorporate Green River Lodge, No. 54, Independent Order of Odd Fellows, in Hopkinsville.

An act to change the time of holding the Court of Claims in Fayette county.

An act to incorporate Hickman Lodge, No. 131, of Free and Accepted Masons.

An act to change Magistrates' and Constables' districts, No. 4, in Green; No. 1, in Crittenden; and the Lewisburg and Maysville districts, in Mason county.

An act to establish the office of Town Marshal, in the town of Independence, in the county of Kenton.

An act to amend the road law in Pendleton county.

An act to amend an act incorporating the Crab Orchard and Crew's Knob Turnpike Road Company, approved March 6, 1850.

An act to incorporate the Æolian Building Company of the town of Bowlinggreen.

An act to incorporate the Union Hotel Company, in Louisville.

An act changing the spring term of the Calloway and Graves Circuit Courts.

An act to encourage the construction of Plank, Turnpike, and Railroads, in Daviess county.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

A resolution from the House of Representatives, in relation to a grant of land by Congress to the State of Kentucky, was taken up and referred to the committee on Internal Improvement,

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, FEB. 24, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent,

Edwin Trimble, to be Judge of the 19th Judicial District, to fill the

vacancy occasioned by the resignation of James M. Rice. This appointment to take effect from and after the 10th day of March next.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill in relation to the Internal Improvement Fund of McCracken county.

By Mr. Ritter, from the same committee—A bill to authorize the sale of the Parsonage of the Glasgow Circuit of the Methodist Episcopal Church, South.

By Mr. Patterson, from a select committee—A bill in relation to Magistrates' and Constables' districts in Caldwell county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Speaker (Grey)—1. A bill for the benefit of the newspaper at Hopkinsville called "The Kentucky Rifle."

On motion of same—2. A bill to allow an additional Magistrates' and Constables' district in Christian county.

On motion of Mr. Kouns—3. A bill for the benefit of School District, No. 10, in Greenup county.

On motion of Mr. T. J. Smith—4. A bill to repeal so much of an act, approved March 10, 1845, as requires the Superintendent of Public Instruction to keep his office in the city of Frankfort, or within sixty miles thereof.

On motion of Mr. Leathers—5. A bill to incorporate the Newport Safety Fund Bank of Kentucky.

On motion of Mr. Munger—6. A bill to incorporate the Maysville Deposit Bank.

The committee on the Judiciary was directed to prepare and bring in the 1st and 2d; the committee on Education the 3d and 4th; and the committee on Banks the 5th and 6th.

On motion of Mr. Pope,

Ordered, That leave of absence, for a few days, be granted to Mr. Barbour.

Mr. Rouse moved a reconsideration of the vote rejecting a bill for the benefit of the heirs of Benjamin F. Thomas, deceased.

Ordered, That the further consideration of said bill be postponed for the present.

The Senate resumed the consideration of the bill to revise the Statutes.

Mr. Linthicum moved to add to the first section of said bill the following, viz:

Except chapter 15, concerning slaves, runaways, free negroes, and emancipature; all the provisions of which chapter shall take effect and be in full force on the first day of July, 1851.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Linthicum and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John W. Leathers,	Nathaniel P. Saunders,
Camden M. Ballard,	Thomas P. Linthicum,	Thomas J. Smith,
James W. Hays,	Camden Riley,	Caleb B. Wallace,
James W. Irwin,	John W. Ritter,	Thomas I. Young—14.
John C. Kouns,	Thomas Rouse,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John Eaker,	Robert A. Patterson,
John P. Bruce,	Abijah Gilbert,	Hamilton Pope,
William C. Bullock,	Richard C. Graves,	Robert S. Russell,
Joshua Buster,	Alfred Johnston,	Berry Smith,
Walter Chiles,	Daniel Morgan,	William Sterret—17.
Sam. Daviess Delany,	Fitch Munger,	

Mr. Leathers moved to add to said bill the following section, viz:

If any free negro or mulatto, not a resident of Kentucky, shall come into this state, he shall repair to the county court clerk of the county in which he shall first come, and there make his business known to the clerk; and the clerk may, if he is satisfied said free negro's business is laudable and lawful, issue a certificate to said free negro, setting out the object of the visit, and authorizing such free negro or mulatto to remain and transact said business not exceeding thirty days; for which, said clerk may charge fifty cents, to be paid by the applicant. If any such free negro or mulatto shall fail or refuse to procure said certificate within twenty-four hours after he comes into this state, or shall continue longer in the state than is allowed by said certificate, he or she shall be apprehended and taken before some justice of the peace, there to be tried, and if found guilty, may be confined in the county jail where apprehended until he or she shall give good security to leave the state forthwith, and also pay all costs of the proceedings.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Leathers and Young, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	Thomas Rouse,
Camden M. Ballard,	John C. Kouns,	Robert S. Russell,
Wm. C. Bullock,	John W. Leathers,	Nathaniel P. Saunders,

Walter Chiles,	Thomas P. Linthicum,	Thomas J. Smith,
Sam. Daviess Delany,	William N. Marshall,	William Sterett,
Richard C. Graves,	Camden Riley,	Caleb B. Wallace,
James W. Irwin,	John W. Ritter,	Thomas I. Young—21.

Those who voted in the negative, were

John P. Bruce,	Fitch Munger,	Hamilton Pope,
Abijah Gilbert,	Robert A. Patterson,	Berry Smith—7.
James W. Hays,		

The 20th section of article 7, chapter 15, of said bill, reads as follows, viz:

§ 20. It shall be the duty of the master or owner, personal representative, or guardian of such owner, to employ counsel to defend a slave when tried in the circuit court. If no counsel be employed, the court shall assign counsel to defend him. The master or owner, or his personal representative, or the guardian, shall pay said counsel the sum awarded him, by order of the court, for such defense, not exceeding fifty nor less than *twenty* dollars, and may be attached and compelled to pay the same.

Mr. Graves moved to amend said section, by striking out "*twenty*," printed in italics, and inserting in lieu thereof "*ten*."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Hall Anderson,	Abijah Gilbert,	Thomas Rouse,
John P. Bruce,	Richard C. Graves,	Nathaniel P. Saunders,
William C. Bullock,	John C. Kouns,	Thomas J. Smith,
Joshua Buster,	John W. Leathers,	Thomas I. Young—14.
Sam. Daviess Delany,	William N. Marshall,	

Those who voted in the negative, were—

Camden M. Ballard,	Thomas P. Linthicum,	John W. Ritter,
Walter Chiles,	Fitch Munger,	Robert S. Russell,
James W. Hays,	Robert A. Patterson,	Berry Smith,
James W. Irwin,	Hamilton Pope,	William Sterett,
Alfred Johnston,	Camden Riley,	Caleb B. Wallace—15.

Ordered, That said bill be re-engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being re-engrossed,

The question was then taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Bullock, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Camden Riley,
Hall Anderson,	John C. Kouns,	John W. Ritter,
William C. Bullock,	Thomas P. Linthicum,	Robert S. Russell,
Joshua Buster,	William N. Marshall,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Daniel Morgan,	Berry Smith,
Abijah Gilbert,	Fitch Munger,	William Sterett,
Richard C. Graves,	Hamilton Pope,	Caleb B. Wallace—22.
James W. Hays,		

Those who voted in the negative, were

Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
John P. Bruce,	John W. Leathers,	Thomas J. Smith,
Walter Chiles,	Robert A. Patterson,	Thomas I. Young—9.

Resolved, That the title of said bill be as aforesaid.

The Senate again resolved itself into a committee of the whole, Mr. Hays in the Chair, on the bill the better to define and punish penal offenses; and after some time spent therein, the Speaker resumed the Chair, when Mr. Hays reported that the committee had, according to order, had under consideratien the bill aforesaid, and had instructed him to report the same to the Senate, with sundry amendments, which he handed in at the Clerk's table.

Said amendments were then concurred in.

Said bill, as amended, reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, in manner following:

CHAPTER I.

PRELIMINARY PROVISIONS.

ARTICLE I.

Definition of Terms, and Explanations.

§ 1. The following words and terms wherever occurring in this act or in any penal act hereafter passed, shall be understood as defined in this article, unless otherwise specially provided for or there be something in the subject or context repugnant thereto. Any penal act hereafter passed, shall in like manner be understood when referring to any crime as meaning the crime as defined in any part of this act, if it be so defined.

§ 2. The "United States," or the "Union," includes the District of Columbia and all the Territories of the United States.

§ 3. "Officer," signifiies any person vested with authority to execute and legally bound to execute, any public duty, whether for the State, a district, a county, a city, or a town.

§ 4. "Judicial Officer," signifies any judge, magistrate, or other officer vested with authority to decide matters submitted to him in the course of justice, according to law and right.

§ 5. "Ministerial Officer," signifies any other officer than a judicial officer.

§ 6. "Man," signifies any male human being of any age, and "woman," a female human being of any age; and "married woman," a woman who has a husband living and from whom she is not divorced.

§ 7. "Offensive weapon" includes any instrument commonly used as a weapon, and also any weapon which is used for the purpose of offense or intended to be so used. "Deadly weapon" signifies any instrument with which death can be produced.

§ 8. "Oath" includes declaration or affirmation given and received in lieu of an oath.

§ 9. A "bribe" means any reward, benefit, or advantage, present or future, to the party influenced or intended to be influenced, or to any other person, or the promise or hope of such reward, benefit or advantage.

§ 10. "Grievous bodily harm," signifies any bodily injury from which danger to life may be reasonably apprehended, or whereby any limb, member, organ of sense or mental faculty is permanently disabled or impaired, the mutilation of any part of the body or head whereby permanent disfigurement is caused, the fracture or dislocation of any bone except a tooth, or any injury whereby the person receiving it is, during twenty days at least, in bodily pain, disabled or unable to follow his ordinary pursuits.

§ 11. The term "writing," or "written instrument," shall be deemed to include any thing upon which words, figures, or marks, at length or abridged, are written, printed, or otherwise expressed, or any map or plan is described.

§ 12. "Felony" is any offense punishable by death or confinement in the penitentiary in whole or in part, but it shall be no conviction of a felony unless such confinement or death be part of the sentence.

§ 13. "Misdemeanor" is any offense which is not a felony.

§ 14. "Night," or "night-time," as contradistinguished from day, shall be deemed to commence during April, May, June, July, August, and September, an hour after sun-set, and during the other months half an hour after sun-set, and conclude in both cases half an hour before sun-rise.

ARTICLE II.

Of Willful, Malicious, Negligent, and Accidental Injuries.

§ 1. An injury is any harm, damage, or evil consequence caused to a person or thing, or to public or private right.

§ 2. An injury resulting from an omission is not a penal offense, unless such omission be unlawful. An omission is not unlawful unless it be a breach of some duty imposed by law directly or indirectly. Such duty is imposed indirectly where the person omitting has by his own conduct, rendered the doing of an act necessary for the prevention of injury.

§ 3. An injury is willfully caused whenever the person from whose act or omission such injury results, either actually intended it to result from his act or omission, or, believing that it was in any degree probable that such injury would so result, incurred the risk of causing such injury.

§ 4. An act is maliciously done or omitted, and an injury maliciously caused, whenever such act or injury is willfully done, or omitted, or caused respectively, without legal justification or excuse.

§ 5. An injury is negligently caused whenever it is not willfully caused,

but results from want of reasonable caution, in the undertaking or doing an act, either without suitable skill, knowledge, or ability, or without due care as to the nature and consequence of the act, or where it results from not exercising reasonable caution in doing the act, or from doing an act without reasonable caution for the prevention of mischief, or from the omitting to do any act which a person using resonable caution would not have omitted to do.

§ 6. An injury is accidental when it is neither willful nor negligent. An accidental injury is not a criminal offense, except as in this act mentioned.

§ 7. Where an injury which would have been willful, if caused to one person or thing, shall by mistake or accident be caused to another person or thing, such injury shall be deemed to be willfully caused to such other person or thing.

§ 8. So where an act is intended to commit injury, but upon no person in particular, the injury received thereby shall be deemed to be willfully caused against the person receiving the injury.

§ 9. An injury is willfully caused though it take effect in a manner not intended or deemed probable, if it take effect on the person or thing intended.

ARTICLE III.

Of Incapacity to Commit Crime, of Exemption from Punishment and of Duress.

§ 1. No person is criminally responsible for any act or omission who at the time of such act or omission, by reason of unripeness or weakness of mind, or by reason of idiotcy, unsoundness or disease of mind, cannot distinguish between right and wrong.

1. No person under eight years of age is so responsible.

2. Persons between eight and twelve years of age are presumed not to be so "responsible," unless the contrary be proved. Between the ages of twelve and fourteen years, there is no general presumption for or against such responsibility; but when the facts and circumstances are not satisfactory to prove competency to understand the nature and criminality of the act, or omission, the accused is not so responsible.

3. No person is exempt from such responsibility by reason of any temporary incapacity, which he shall have willfully produced by intoxication or other means.

4. Ignorance of the law is no exemption; and every person not under fourteen years of age, is presumed to be so "resposible" and to intend the natural and probable consequence of his act or omission.

§ 2. If a person be acquitted of a charge of homicide by reason of alledged insanity, the jury shall so find, and he shall thereupon be retained in custody, sent to the lunatic asylum, and there detained not less than one year.

§ 3. No person becoming insane after he has committed an offense, can, while he is insane, be tried; nor if after being found guilty be sentenced; nor if after sentence, be punished, otherwise than by restraint whilst he continues insane.

§ 4. Duress, inducing well grounded present fear of death, shall be sufficient to excuse a person, acting under such fear, from penal consequences, except in case of homicide.

§ 5. A married woman shall have no exemption from criminal responsibility, by reason of her acting under the actual or supposed control of her husband in the commission of any felony, or the keeping of a brothel: but, shall have such exemption for acting as accessory to him after the fact, or to another by his direction, or for receiving by his direction any stolen property, or other thing which it is unlawful to keep; or for the commission of any misdemeanor by his command and in his presence.

§ 6. Parent or grand-parent, and child or grand-child, as also husband and wife, a brother and sister, shall not be criminally responsible for harboring or aiding without violence, the escape of each other from justice, before arrest, or after escape.

ARTICLE IV.

Penalties and Costs.

§ 1. Whenever it is said that an offense shall be punished by a named penalty, it means that whoever commits the offense shall be so punished.

§ 2. In provisions for confinement or imprisonment *from* one time *to* another time, or for fine *from* one sum *to* another sum, the highest time or sum is the maximum, and the lowest time or sum is the minimum of the punishment specified.

§ 3. One year is the minimum confinement in the penitentiary.

§ 4. The punishment by "death" means that the offender shall be hanged by the neck until he is dead.

§ 5. "Confined in, or confinement in the penitentiary," means that the offender shall be so confined at hard labor agreeably to the rules for the regulation of the penitentiary.

§ 6. "Imprisonment or imprisoned," means that the offender shall be imprisoned in the county or city jail, or if there be a county or city work-house, then in such work-house if the court shall deem it best.

§ 7. "Close Imprisonment," means that the offender shall be allowed nothing but the ordinary prison fare or accomodation, and that he shall be allowed no communication with any one, oral, written, or by signs, except under the written permit of a circuit, county, or police judge.

§ 8. In all convictions for felony or misdemeanor, the court may, in its discretion, give judgment for the commonwealth against the offender in a sum by way of costs, sufficient to cover the costs of apprehension, trial and detainer before and after conviction.

§ 9. Except where death or vacating an office is the punishment, the penalty must be fixed by the verdict of the jury, unless settled by law.

§ 10. Except as to costs, the death of the offender operates as a discharge of all pecuniary fines imposed on him: even if execution be levied the officer shall proceed no further therewith.

§ 11. The express repeal of a penal law, stops all prosecutions under it, unless the contrary be declared.

§ 12. When a second penal law directs a new or different penalty, the penalty of the first law shall be deemed to be abolished, as to all offenses subsequent to such second law, unless the contrary be expressed.

ARTICEE V.

Principal, Accomplice, and Accessory.

§ 1. Every one is a principal in respect to a criminal act who either

does it or causes it to be done, otherwise than by a criminal agent, or who is one of several who so jointly do such act or cause it to be done, or who is present aiding in or abetting the doing such act.

1. He shall be deemed to cause the act to be done, who willfully causes it to be done, by means of any device or mechanical contrivance, or by any innocent person, or by such means combined, and whether such party be absent or present when the means take effect, and although accidental circumstances conduce to render the means used effectual for doing the act.

2. He is a principal who does one of the several acts essential to the crime or injury, or aids in doing it.

3. He is a principal who being solely or jointly with another, or others bound to perform a duty or act, willfully omits to perform that duty or act.

§ 2. Every one is an accomplice, or accessory before the fact of a criminal act done, who not being present when the act is done, has by command, advice, consent, aid, encouragement, or otherwise, directly or indirectly, immediately or mediately, procured or promoted the doing of it.

He is an accomplice in respect of a criminal omission who in like manner procures the omission of the act, the omission to do which is criminal.

§ 3. No person shall be deemed to have procured or promoted any criminal act or omission, who shall, before such act or omission, abandon his design, countermand the act or omission, use his utmost endeavor to prevent the act or omission, and furthermore actually make known to the guilty party such countermand and change of design.

§ 4. A person shall be deemed to have procured or promoted an act or omission, although such act or omission shall vary from the one intended, if they be substantially the same, and the person or thing injured and the one intended be the same, or although by mistake or accident the injury fall on a different person or thing: so also, if the act done be a probable consequence of the endeavor to do that the doing of which was intended.

§ 5. An accomplice to a crime shall be deemed guilty of that crime, receive the same punishment as if committed by himself, may be found guilty under an indictment charging him as principal, may be indicted separately or jointly with the principal, and convicted though there be no conviction against the principal, and the acquittal of the principal shall be no bar to a prosecution of the accomplice.

§ 6. If several persons assembled together have united in a common design to execute a criminal purpose, or any purpose by criminal means, all shall be deemed equally guilty of any act done by one or more of them in pursuance of the design, and in the effort to execute it, if the act done be within the scope of the common design.

But an abandonment of the design, by any one of such persons, in the manner indicated in the previous third section, shall exempt him from such responsibility.

§ 7. Accessories after the fact are those, who knowing that a person has committed a crime, conceal him or aid him to prevent or avoid arrest, or to escape after arrest.

All such accessories not hereinbefore exempted, and not herein otherwise provided for, shall be imprisoned not more than one year and fined not more than a thousand dollars.

ARTICLE VI.

Attempt and Instigation.

§ 1. An attempt to commit an offense is some act done towards committing, and in part execution of the intent to commit the same.

As mixing poison with a person's food with intent to murder him. An effort to force a lock, slitting a pocket, or putting the hand into a pocket with intent to steal.

§ 2. Where the commission of an offense is impracticable in the way or by the means adopted, it is not an attempt.

As where one tries to fire off an unloaded gun, or mixes with food a harmless something supposing it to be poison.

§ 3. Where an act is done in pursuance of an intent to commit any offense, the commission of the same is presumed to be practicable in the mode and by the means adopted.

If it be impracticable, still if the act done be in fact the part commission of another or different offense, the same is an attempt to commit such other offense. As where with intent to commit homicide, an act is done in part commission of burglary.

§ 4. A mere preparation of means to commit an offense, without any thing being done towards its commission, is not an attempt.

§ 5. An attempt to commit a felony, where no provision is expressly made for the punishment of such attempt, shall be punished by confinement in the penitentiary for not more than three years, or by imprisonment for not more than two years, or by fine not exceeding two thousand dollars, or by close imprisonment not exceeding one year. And if the offense attempted does not amount to a felony, it shall be punished by fine or imprisonment, or both, not exceeding one half the penalty prescribed for the commission of the offense.

§ 6. Instigation to the commission of any offense, by commanding, soliciting, offering hire, or otherwise endeavoring to induce another to commit an offense, shall be punished in the same manner as an attempt to commit the offense.

§ 7. Nothing in the last section shall prevent an instigator from being deemed an accomplice where the offense is actually committed.

§ 8. No person can be convicted of such instigation on the mere testimony of the party professing to have been instigated, not corroborated by other evidence direct or circumstantial.

ARTICLE VII.

General Rules.

§ 1. The punishment of slaves, for offenses committed by them, is elsewhere provided for, and not contemplated or provided for in this act.

§ 2. The distinction between a favorable and unfavorable construction of statutes is abolished. Penal, like all other statutes, are to be construed according to the import of the words taken in their usual sense, in connection with the context and with reference to the matter of which they treat.

§ 3. Every charge is an affirmation and must therefore be proved to the satisfaction of those who try the charge.

§ 4. When a presumption is stated, it is not intended that the same is conclusive, unless so expressed.

§ 5. The commission, prosecution, or punishment of a felony or other offense, does not deprive the party injured of his civil remedy.

§ 6. If any special provision, hereinafter of this act, shall be found inconsistent with any part of this chapter, such special provision shall prevail as though such inconsistent part did not exist.

And where in any part of the act one penalty is prescribed against an offense by general rule or description, and a different penalty is in another part of this or any other act contained in the revised statutes, specially prescribed for the particular offense, the latter shall prevail to the exclusion of the former.

§ 7. Whenever a person would himself be justified or excused for any act, such justification or excuse shall extend to any one acting in his aid or defense.

§ 8. Where the having any matter or thing in custody or possession is treated as an offense, every person shall be deemed to have such matter or thing in his custody or possession, who has the same under his control, and whether it be so had for his own use and benefit, or for that of another; and where such custody or possession is with the consent and for the benefit of another, such other shall also be deemed to have the possession or custody.

§ 9. Where it is essential to any offense, that the matter or thing in respect of which the offense is to be committed, should be the property of some one other than the offender, no joint or part owner, or the husband or wife of the owner, can commit the offense, unless specially so provided.

§ 10. No harm is an offense, when it is so slight or trivial that no person of ordinary sense and temper would complain of such harm.

§ 11. Whoever shall wilfully disobey any statute, by doing any thing prohibited to be done, or omitting any thing commanded to be done, whereby any public injury shall or may accrue, and the offense be not otherwise specially provided for, shall be imprisoned not more than three months, or fined not more than five hundred dollars, or both.

CHAPTER II.

FORMER CONVICTION AND ACQUITTAL, AND GENERAL CHARGE

§ 1. In a trial on a charge of which there are different degrees in the character of the offense, a conviction may be had for any offense of lower degree than the one charged, if the two be of the same nature and the minor offense is necessarily comprised in the greater.

As, on an indictment for murder, a conviction may be had for any kind of criminal voluntary homicide.

Or, on a charge of robbery or burglarious theft, a conviction may be had for larceny, &c., &c.

§ 2. So also a conviction may be had on a charge of such minor offense, though a higher one be proved.

As, when the charge is for criminal voluntary homicide, and the facts prove a murder.

Or where, on a charge of larceny, a robbery, or a burglary with intent to steal is proved.

Or where, on a charge of embezzlement, or obtaining by false pretence, laceny is proved.

§ 3. A former conviction or acquittal for the same offense before a tribunal of competent jurisdiction, is a bar to any other prosecution therefor.

§ 4. A finding of not guilty, and acquittal by the judgment of the court upon the facts and merits, is such an acquittal, notwithstanding any defect of form or substance in the indictment or charge.

§ 5. Where in a subsequent prosecution, the offense is one which might have been proved under the first prosecution in which there was such a final acquittal or conviction, the subsequent prosecution is barred, though the proof was not so made.

As, where one having been acquitted or convicted on a charge of criminal homicide is afterwards indicted for the same homicide as murder.

Or, having been acquitted on an indictment for robbery, is indicted for the same stealing as larceny.

§ 6. Where a juror is withdrawn, or the jury discharged before verdict, or for any cause there is no verdict rendered; such proceeding is no bar to another prosecution.

§ 7. If the facts alleged in the second prosecution be such as, if proved, would not have been ground of conviction in the first, the former conviction or acquittal will not bar the second prosecution.

§ 8. An arrest of judgment or quashal of an indictment for the insufficiency of the charge in form or substance, is no bar to another prosecution, even though the first charge should afterwards be adjudged to have been good and sufficient.

§ 9. An officer acquitted or convicted on an impeachment is still responsible for a felony.

CHAPTER III.

LOCAL JURISDICTION OF CRIMES.

§ 1. All persons found within this State are subject to its laws, except so far as exception is made by the law of nations in favor of ambassadors or others; and except so far as exclusive jurisdiction is given to the United States.

§ 2. A person not in this State, committing an offense within the same, or counselling, aiding, or abetting its commission, is responsible therefor in this State, and the jurisdiction is in the county where the offense occurs.

As, where a person in another State shoots some one in this State; or procures the commission of a felony in this State; or causes the publication of a libel here.

§ 3. Where the commission of an offense is commenced out of this

State and consummated here, the offender is responsible in this State, and in the county where consummated.

§ 4. Where the offense is committed in part in one county and in part in another; or the acts or effects occur in two or more counties; or the offense is commenced or committed in one and continued in another county, or counties, the jurisdiction is in either county.

§ 5. The jurisdiction of an offense committed within one hundred yards of the boundary of two or more counties, is in either county, if it be a matter of doubt where the true line is.

§ 6. The jurisdiction against an accomplice, or accessory, is in the county where he acts as accessory, or in that having jurisdiction against the principal.

CHAPTER IV.

TREASON, REBELLION, INSURRECTION, &c.

ARTICLE I.

Treason.

§ 1. Treason is defined in the constitution, and shall be punished by death, or by confinement in the penitentiary for not more than twenty years.

§ 2. All distinction between petit treason and murder is abolished.

ARTICLE II.

Sedition or Rebellion.

§ 1. Sedition or rebellion, is an attempt by force to dismember the State, or to subvert or change its constitution, or to suppress or prevent the exercise of any of its lawful authority; and shall be punished by confinement in the penitentiary for not more than ten years, or by imprisonment not exceeding two years, or by close imprisonment not exceeding one year, or by fine not exceeding ten thousand dollars.

§ 2. The attempt consists in enlisting men, preparing arms, or making an assemblage of men armed, or otherwise arrayed, in such manner as to show a design to effect the object by force. This is sufficient evidence of the attempt, whether any actual violence be committed or not, and every one participating, aiding and assisting, is guilty of the attempt.

§ 3. If any one shall, by writing, printing, or verbally, counsel or excite the people of this State, or any part of them, to the commission of sedition or rebellion, or to resist by force the execution of any constitutional law of this State, whether the crime be committed or not, he shall be fined not less than two hundred nor more than two thousand dollars, and be imprisoned not less than three months nor more than one year.

ARTICLE III.

Exciting Insurrection.

§ 1. Any free person who shall aid in any insurrection of slaves against the free inhabitants of the State, who shall join in any secret assembly of slaves in which such insurrection shall be planned, with design to

promote it, or who shall excite or persuade slaves to attempt such insurrection, may be punished by death, or shall be confined in the penitentiary for life, or for not less than five years; and if any death of a free person ensue from such insurrection, he shall be punished by death.

§ 2. By "insurrection" is meant an assembling with any sort of arms or weapons, to destroy free inhabitants, or to gain the liberty of the slaves by force.

§ 3. The term "excite" means to offer any persuasion or inducement, which has insurrection for its object. It does not mean mere language calculated to make slaves discontented with their condition. Such language used with the design to promote such discontent, is an offense punishable by fine, from fifty to two hundred dollars; or imprisonment from one to six months.

ARTICLE IV.

Unlawful Assembly, Rout, Riot, &c.

§ 1. An unlawful assembly is where three or more persons assemble, or being assembled, continue together with intent, unlawfully, to execute any common purpose with force and violence, or in so violent and tumultuous a manner as is calculated to create terror and alarm in others.

1. Where persons being assembled for any purpose, three or more of them agree to assist each other against any of the rest, or agree to go together to execute a common purpose with force and violence, they are such an unlawful assembly.

2. But it is not such an unlawful assembly where the purpose is to assist in the defense of the person or property of another against unlawful violence, or where the the purpose is in good faith the defence of an asserted claim of right, though such claim be not valid.

§ 2. A rout is where an unlawful assembly makes an endeavor to execute the common purpose, without executing it in whole or in part.

§ 3. A riot is where an unlawful assembly does in whole or in part execute the common purpose with force and violence, or in so violent and tumultuous a manner, and under such circumstances as are calculated to create terror and alarm in others.

§ 4. It is not a riot unless there be actual force and violence, or a manifest tendency thereto, as by carrying arms or using menacing and turbulent language or gestures.

§ 5. A breach of the peace, however violent upon sudden quarrel, among persons assembled, is not a riot, if it be not in pursuance of a previous agreement mutually to assist each other in such unlawful common purposes as before mentioned.

§ 6. Persons present at riot, rout, or unlawful assembly, and promoting the same by aid, countenance, or encouragement, are parties and principals therein.

§ 7. Where an unlawful assembly, riot, or rout, has been ordered to disperse by a judge, justice of the peace, sheriff, or deputy sheriff, or marshal, or deputy marshal, or the mayor of a city, or any other peace officer, any one thereafter remaining in the assembly, except for the purpose of aiding to keep the peace, is thereby a principal party in such assembly, rout, or riot.

§ 8. Where any persons to the number of five or more, armed with

clubs or other weapons, or to the number of ten or more, whether so armed or not, riotously demolish, pull down, or destroy, or begin to demolish, pull down, or destroy any house, building, bridge, mill-dam, canal lock, road, or other erection or structure; or any engine, or machinery; or the furniture or contents of any house or building; or any boat or vessel, or the apparel, furniture or cargo thereof, they shall each be punished by confinement in the penitentiary not exceeding three years, or by fine not exceeding two thousand dollars, and imprisonment not exceeding one year.

§ 9. Whoever is a party concerned in any riot, rout, or unlawful assembly, not of the description designated in the last section, shall be punished by confinement in the penitentiary for one year, or by imprisonment for not more than a year, or by fine not exceeding a thousand dollars, or both.

§ 10. Whenever any property shall be destroyed, or be injured to any amount by any persons to the number of ten or more, riotously or tumultuously assembled, the city or town within which the property was situated, shall be liable to indemnify the owner thereof to the amount of three fourths of the value of the property destroyed or injury sustained, if the owner shall have used all reasonable endeavors to prevent the destruction or injury, and to procure the conviction of the offenders. Any city or town paying for such destruction or injury, may recover the amount paid from any, or all, of the offenders, and the owner may also recover from them the whole, or the residue of his loss. No conviction in a penal prosecution shall be a bar to any such civil remedy.

§ 11. Whoever shall forcibly and violently, or in such a manner, or under such circumstances as are calculated to create terror and alarm in others, make entry into, or unlawfully detain any land or tenement, or shall in such manner take any moveable thing from the lawful possession or custody of another, shall be punished by not more than six months imprisonment, or not more than five hundred dollars fine, or both.

§ 12. An affray is the fighting of two or more persons in a place and manner calculated to alarm others. It shall be punished by not more than three months imprisonment, or not more than two hundred dollars fine. And the jury impannelled to try the offenders, may find any one or more of the parties guilty, and the other party or parties, or any of them not guilty in their discretion, in view of all the facts and circumstances under which such party or parties become involved in said affray.

§ 13. Whoever shall knowingly send, deliver, or utter any letter or writing, with or without any name or signature subscribed thereto, or with a fictitious name or signature, threatening to kill another, or to do him great bodily harm, or to burn or destroy any property, shall be punished by imprisonment for not more than one year, or by fine of not more than five hundred dollars, or both.

§ 14. Nothing in this article shall preclude a justice of the peace from punishing in a summary way, as heretofore, an affray, assault and battery, or other such like breach of the peace, by fine of not more than twenty dollars, or imprisonment for not more than ten days, if he deem it expedient so to punish the same.

ARTICLE V.

Disturbing Worship.

§ 1. Whoever willfully interrupts, or disturbs any religious assembly, or assembly for religious worship, service, or ceremony, whether the offense be committed within or without the place of such assembly, shall be punished by imprisonment for not more than three months, or a fine of not more than three hundred dollars.

§ 2. No officer, for any civil cause, shall arrest any minister of religion or priest, whilst he is publicly preaching or performing religious worship in any religious assembly. Any officer making such arrest shall be punished as a disturber of a religious assembly.

ARTICLE VI.

Duelling.

§ 1. Whoever shall challenge another to fight in single combat, or otherwise, with any deadly weapon, in or out of this State, shall be imprisoned from three to twelve months, or fined five hundred dollars, or both.

§ 2. Whoever shall accept any such challenge, shall be imprisoned from one to six months, or fined two hundred and fifty dollars, or both.

§ 3. Whoever shall knowingly carry or deliver any such challenge, or consent to be a second to either party in any such duel, shall be imprisoned from ten to thirty days, or fined one hundred and fifty dollars, or both.

§ 4. Any person convicted of either of the offences named in the three previous sections, shall forfeit any office he may then hold, and be excluded and held disqualified from receiving and holding any office, and also from exercising the right of suffrage within this commonwealth for seven years after the date of his conviction.

CHAPTER V.

OFFENSES BY AND AGAINST OFFICERS.

ARTICLE I.

Offenses Relating to the Discharge of Public Duties.

§ 1. Any officer, or deputy of any officer, or any person bound to execute any office, or public duty, who shall willfully omit to execute, or shall be negligent touching the execution of his office, or any public duty which he is legally bound to execute, shall be imprisoned not more than six months, or fined not exceeding one thousand dollars, or both.

§ 2. Whoever being entitled to, or assuming to be entitled to any office, shall do any official act, not specially authorized by law, before taking the oath of office, and giving the security required by law, if the offense be not otherwise provided for, shall, in addition to a forfeiture of the office, be imprisoned not more than thirty days, or fined not more than three hundred dollars, or both.

§ 3. Every officer shall be deemed to be liable in respect of any offense committed by his deputy, or agent, if committed with the con-

sent, or by the authority of such officer, whether he be authorized to appoint a deputy or not.

§ 4. Whoever shall assume to act as an officer, or deputy of an officer, shall, as concerns the liability to penalties, be deemed to be such officer or deputy, although he cannot legally claim to act as such.

§ 5. Whoever shall willfully disobey any lawful order, warrant, or command duly made, issued, or given, by any court, officer, or other person acting in a public capacity, and duly authorized, shall, if there be no other penalty prescribed, be imprisoned not exceeding thirty days, or fined not exceeding three hundred dollars, or both.

ARRTICLE II.

Obstructions of Executive Power.

§ 1. Whoever shall willfully prevent or endeavor to prevent, any officer or other person lawfully acting, or proceeding to act in the execution or discharge of any public office or duty, from so acting or proceeding to act, shall, in case no other penalty be specially provided, be imprisoned not more than three months, or fined not more than five hundred dollars, or both.

§ 2. Whoever shall assault any peace officer acting in the due execution of his duty, or any person acting in aid of such officer, with a view to prevent the execution of such duty, shall be imprisoned not exceeding one year, or fined not more than one thousand dollars, or both.

ARTICLE III.

Sale of Offices, and Bribery of Officers.

§ 1. Whoever shall agree, or promise to sell or purchase, for himself or another, directly or indirectly, for reward or profit, any office or employment of honor, trust or profit, or any deputation thereto, or any part or participation of the profits thereof, or any appointment or nomination thereto, or resignation thereof, or the consent or voice of any person to such appointment, nomination, or resignation, shall be imprisoned not more than one year, or fined not more than two thousand dollars, or both. The penalty prescribed in this section is in addition to a forfeiture of the office whenever that penalty may be prescribed..

§ 2. Whoever shall by any means endeavor to force or corruptly persuade, or procure a member of the legislature, or any executive, or ministerial officer, or his deputy, to do or omit to do any act in violation of his duty as such officer or deputy, shall be imprisoned not more than six months, or fined not more than a thousand dollars, or both.

§ 3. Whoever being a member of the legislature, or any executive or ministerial officer, or his deputy, shall take or agree to take any bribe, to do or omit to do, any act in his official capacity, shall incur the penalties of the last section.

§ 4. Any member of the legislature, or any executive, ministerial or judicial officer, who shall be convicted of bribing or being bribed, of perjury, forgery or any felony, shall, in addition to all other penalties, have his office vacated, and no pardon shall restore the forfeiture, and he shall be disabled frem holding any office for ten years; and every person so convicted, whether an officer or not, shall forfeit the right of voting at any election in this state for seven years thereafter.

ARTICLE IV.

Abuses of Executive Power.

§ 1. Any executive officer, or his deputy, who shall wilfully and maliciously commit any excess or abuse of authority, to the injury or tending to the injury of the public or any person, shall be imprisoned not more than six months, or fined not more than a thousand dollars, or both.

§ 2. Any such, or other officer or deputy, who shall, in violation of his duty and in abuse of his authority, do or omit to do any act with intent, by such act or omission, to injure or defraud the state, or to defraud, oppress or injure any person, shall be imprisoned not more than one year, or fined not more than a thousand dollars, or both.

§ 3. Any such officer or deputy, who shall, under color of his office, unlawfully exact and obtain from any other person, any money that is not due to him as such officer, or more than is due, or before it is due, or any other property or profit to which he is not entitled as such officer, shall be guilty of extortion, and incur the penalties prescribed in the last section.

CHAPTER VI.

OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE.

ARTICLE I.

Contempts.

§ 1. Whoever shall rescue or endeavor to rescue any prisoner being in the presence of any judicial officer, whilst acting in his official capacity, shall be confined in the penitentiary for not more than four years, or imprisoned not more than two years, or fined not more than three thousand dollars, or both so fined and imprisoned.

§ 2. Whoever shall assault or threaten violence to any person, on account of any act or thing lawfully done or performed, or to be done or performed by any person in reference to or connexion with any judicial proceeding, or the execution of any process, or the custody of any prisoner, shall be imprisoned not exceeding one year, or fined not exceeding one thousand dollars, or both.

§ 3. Whoever shall assault any judicial officer whilst acting in his official capacity, or shall maliciously do any personal violence to any juror, witness, or other person, in the presence of such judicial officer so acting in his official capacity, shall be imprisoned not exceeding one year, or fined not more than one thousand dollars, or both.

§ 4. Whoever shall be guilty of a contempt of a court, or of a judicial officer, by uttering any insulting, opprobrious, or menacing words, or by any acts or gestures expressed, done, or committed in the presence of the court, or such judicial officer whilst acting in his official capacity, shall incur not exceeding half the penalties prescribed in the last section.

§ 5. The like penalties shall also be incurred by whoever shall, by force, or by violent or outrageous conduct, prevent, delay, or interrupt the proceedings of any court of justice or judicial officer whilst acting in his official capacity.

§ 6. But either of the offenses mentioned in the three last sections may

be punished in a summary way by the court or judicial officer, by imprisonment not exceeding twenty-four hours, or by fine, if inflicted by the court, not exceeding thirty-five dollars, and if by a judicial officer, not exceeding ten dollars, or by both such fine and imprisonment.

Or the court may cause a jury of bystanders to decide on such offense, which jury, in its discretion, may punish it by imprisonment not exceeding three months, or by fine not exceeding five hundred dollars, or both; and if the offender be an attorney-at-law, the jury may, in addition, direct that he be suspended from all the rights and privileges of an attorney in such court, for not more than six months.

ARTICLE II.

Offenses by, and concerning Judicial Officers.

§ 1. Any judicial officer, who shall, in violation of his duty as such officer, commit any excess of authority with any corrupt or malicious intention, or abuse his authority by doing or omitting to do any act or thing, wilfully and corruptly, or with the malicious intent, wrongfully to oppress or injure any other person, or willfully neglect to execute his duty as such officer, to the hindrance of justice, shall be imprisoned not exceeding two years, or fined not exceeding five thousand dollars, or both.

But nothing in this section shall make such officer criminally liable in respect of any mere error in giving judgment.

§ 2. Any judicial officer, arbitrator or umpire, who shall take or agree to take any bribe, given or offered with intent, unduly and corruptly to influence his conduct as such officer, arbitrator or umpire, shall incur the penalties prescribed in the last section.

§ 3. Whoever shall, by any means, endeavor unduly and corruptly to influence any judicial officer, arbitrator or umpire, in his conduct as such, shall incur the penalties prescribed in the last section.

§ 4. Whoever shall, upon any record or paper used for entering the judgment, decree, order, sentence or proceedings of any court of justice, or any official minute or memorandum thereof, or for the official recording of written instruments, willfully make any false entry of any judgment, decree, order, sentence or proceeding, or official minute or memorandum thereof, or any false copy of any written instrument, or any false minute or memorandum, concerning a written instrument, whereby any person shall or might be prejudiced, shall be guilty of forgery and incur the penalties of forgery.

ARTICLE III.

Offenses by, and concerning jurors.

§ 1. Any juror who shall take or agree to take any bribe, given or offered with intent unduly and corruptly to influence his conduct as a juror, or shall agree with or promise any other person, to make, pronounce or deliver any verdict, or to refrain from doing the same, for or against any party in any proceeding, shall be imprisoned not exceeding two years, or fined not exceeding three thousand dollars, and shall forever thereafter be disqualified from acting as a juror or holding any office.

§ 2. Whoever shall by any means endeavor unduly and corruptly to influence a juror, or any person impanelled, summoned or expected to

serve as a juror in any proceeding, in respect of his duty as a juror, shall be imprisoned not more than one year, and be fined not exceeding two thousand dollars, and shall forever thereafter be disqualified from acting as a juror, or holding any office.

§ 3. The last two sections shall apply although the juror so attempted to be influenced, bribed or agreeing to be bribed, shall not be afterwards sworn as a juror, or no verdict be given, or whether the verdict, if given, be true or false.

§ 4. Whoever by any indirect means or contrivance, shall procure himself to be returned, impannelled, or sworn as a juror, in any proceedings, with intent to favor or give any undue advantage to any person interested in the proceeding, shall be imprisoned not more than six months, or fined not more than a thousand dollars, or both.

§ 5. Whoever being a juror, shall, by tossing up, drawing lots, or other mode of chance, or by any other means contrary to his oath, determine his verdict as a juror, shall be imprisoned not more than one month, or fined not exceeding two hundred dollars, or both.

ARTICLE IV.

Offenses by, and Concerning Witnesses.

§ 1. Whoever shall unlawfully and willfully prevent, or endeavor to prevent any person from appearing as a witness, and giving evidence, or producing any writing in any judicial proceeding, shall be imprisoned not more than three months, or fined not more than two hundred dollars, or both.

§ 2. Willful and corrupt perjury shall be punished by confinement in the penitentiary, for not less than two, nor more than six years.

§ 3. To the crime of willful and corrupt perjury it is essential:—

First. That an oath be lawfully administered, by competent authority to the party in some judicial proceeding, or on some other occasion when an oath is imposed, required, or sanctioned by law.

Second. That the party taking the oath, do swear affirmatively, or negatively as to some matter, fact or thing, past or present, material to such proceeding, or on such other occasion, or to his belief as to such matter, fact or thing, knowing that which he swears to be false, or not knowing, or not believing it to be true.

§ 4. Whoever in any form which he admits to be binding on his conscience, shall have taken an oath in substance to speak, or depose the truth, shall, as regards the crime of perjury, be deemed to have been lawfully sworn.

§ 5. He shall be deemed to have admitted that an oath is binding on his conscience by having taken it either in the ordinary form, or according to any particular form, assented to, or not objected to by him. An affirmation, or declaration, shall be deemed to be the same as an oath.

§ 6. It shall not be essential to perjury, that any deception was effected by the false swearing, or that any injury resulted from it.

§ 7. Whoever procures or endeavors to procure, any other person to commit perjury, is guilty of subornation of perjury, and shall be confined in the penitentiary, for not less than two, nor more than six years.

§ 8. Whoever is convicted of perjury, or subornation of perjury, shall be incompetent to testify as a witness, until the sentence is reversed.

§ 9. Whoever by perjury, or subornation of perjury, shall endeavor to procure the conviction of another person of any capital offense, shall be confined in the penitentiary, for not less than five, nor more than fifteen years.

ARTICEE V.

Resistance, Rescue, and Escape, &c., &c.

§ 1. Whoever shall resist by force the lawful apprehension of himself, or another, on any charge of felony, shall be imprisoned not more than one year, or fined more than a thousand dollars.

§ 2. Whoever shall resist by force the lawful apprehension of himself, or another, on any charge not amounting to felony, shall be imprisoned not more than three months, or fined not more than three hundred dollars, or both.

§ 3. Whoever shall escape from custody under any charge of felony, shall be imprisoned not more than one year, or fined not more than a thousand dollars.

§ 4. Whoever shall escape from custody under a conviction for felony, shall be confined in the penitentiary for not more than three years.

§ 5. Whoever shall rescue, or endeavor to rescue any prisoner, being in lawful custody, for any misdemeanor, before or after conviction, or shall aid such prisoner in escaping, or endeavoring to escape, shall be imprisoned not more than six months, and fined not more than five hundred dollars.

§ 6. Whoever shall rescue, or endeavor to rescue any prisoner, being in lawful custody, before conviction for any felony, or shall aid such prisoner in escaping, or endeavoring to escape, shall be imprisoned not more than one year, and fined not more than one thousand dollars.

§ 7. Whoever shall rescue, or endeavor to rescue any prisoner, being in lawful custody, under sentence or conviction, for any felony, or shall aid such prisoner in escaping, or endeavoring to escape from such lawful custody, shall be imprisoned not more than two years, and fined not more than two thousand dollars, or shall be confined in the penitentiary not more than three years.

§ 8. Any jailer, or other officer, or the deputy of such jailer or officer, who voluntarily suffers the escape of any prisoner in his custody upon conviction of any offense, or upon any criminal charge, shall incur the penalties of the last section, be removed from office, and be forever, thereafter, disqualified from holding any office; and furthermore, if the prisoner was in custody for a capital offense, such jailer, other officer or deputy, shall be confined in the penitentiary for not less than ten years.

Any such jailer, officer or deputy, who through negligence, suffers such prisoner to escape, shall be imprisoned for not more than two years, or fined not more than two thousand dollars, or both.

§ 9. Whoever shall rescue, or attempt to rescue any person, being in lawful custody for any cause other than felony, or misdemeanor, or shall aid such person in escaping, or endeavoring to escape from such custody, or shall rescue or endeavor to rescue, any moveable thing being in the custody of the law, or shall forcibly resist the lawful making of any distress, levy, seizure, or attachment, shall be imprisoned not more than six months, and fined not more than five hundred dollars.

§ 10. Any freedom from actual custody or restraint, or from personal

control, for any space of time, unlawfully obtained, or voluntarily or negligently suffered, shall be deemed an escape from custody, as against the party obtaining, or suffering such freedom.

§ 11. Whoever shall convey into any prison, or place used as a prison, or cause to be conveyed therein, any disguise, weapon, or instrument, to facilitate the escape of any prisoner therein; or shall deliver, or cause to be delivered to any prisoner in custody, any disguise, weapon or instrument, to facilitate his escape, shall incur the same penalties as he would have incurred, for aiding such prisoner in making his escape.

§ 12. Whoever shall, pending any suit or prosecution, publish any statement concerning the same, with intent to influence the verdict of a jury, or to excite any public prejudice for or against a party to such suit or prosecution, shall be imprisoned not more than three months, or fined not more than five hundred dollars.

§ 13. Whoever shall put anything in any place, or on or near the person of another, or do any other act with intent to create any false indication, or raise any false presumption of guilt, and thereby to prejudice any party, on a criminal charge then made, or afterwards to be made against him, shall be imprisoned for not more than two years, or fined not more than two thousand dollars, or both.

§ 14. If two or more persons shall conspire falsely to charge any other person with any crime, or, by means of false evidence, to procure any other person to be convicted of any crime, every person so conspiring, if such crime be punishable with death, shall be confined in the penitentiary for not more than five years; or if the crime be otherwise punishable, such person shall be imprisoned for not more than three years, nor less than three months.

§ 15. Compounding an offense, consists in any agreement, promise or consent, for any reward, restitution or other consideration, to forbear to prosecute, or to further prosecute an offender in respect of any offense, whether such offense shall have been actually committed or not. Such compounding shall be punished by imprisonment for not more than one year, or fine of not more than one thousand dollars.

§ 16. Whoever willfully intending to prevent, obstruct or pervert the due administration of justice, shall give or receive any gratuity or reward, or shall make or accept any promise thereof, express or implied, upon an agreement or understanding, express or implied, that any one shall evade giving his testimony, or shall destroy, conceal or suppress any deposition, or other legal evidence in any suit, or proceeding in the course of justice, criminal or civil, shall incur the penalties of the last section.

§ 17. Whoever, by any false personation, shall fraudulently deceive, or endeavor to deceive, or impose on any court, or judicial officer, with intent thereby to pervert the due course of justice, shall be confined in the penitentiary for not more than three years.

§ 18. Whoever shall steal, or shall for any fraudulent purpose, take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall maliciously obliterate, injure or destroy, any written instrument of justice, or any material part thereof, shall be confined in the penitentiary for not more than seven years.

§ 19. Whoever, with intent to pervert the course of justice, or to defraud or injure any other person, shall forge any written instrument of

justice, or any office copy thereof, or shall utter the same, or act, or profess or attempt to act under the same, knowing it to be forged, shall be confined in the penitentiary for not less than two, nor more than ten years.

§ 20. Any officer authorized to serve, or execute lawful process, to whom is tendered or delivered such process, requiring him to apprehend or confine any person convicted of, or charged with an offense, and who willfully and corruptly refuses, neglects, or improperly delays to serve, or execute the same, whereby such person shall avoid arrest, or go at large, shall be imprisoned not more than one year, or fined not more than a thousand dollars.

§ 21. Any sheriff or other officer, whose duty requires him to execute any capital sentence, who shall willfully fail, or refuse to execute any capital sentence as required by law, shall be confined in the penitentiary for not more than five years, and fined not more than five thousand dollars.

§ 22. Any person lawfully required, in the name of the commonwealth, by any sheriff, deputy sheriff, coroner, constable, or other peace officer, to assist him in the execution of his office, in the making or maintaining any arrest, or preservation of the peace, or in the making and maintaining of any levy or attachment, or in the lawful execution of any judicial order, who refuses, or neglects to render the assistance so required, shall be imprisoned not more than one month, and fined not more than fifty dollars.

§ 23. Any person lawfully required by any justice of the peace, upon view of any breach of the peace or other offense, to arrest the offender and bring him before such justice, who neglects or refuses to obey, shall incur the penalties of the last section.

§ 24. Whoever falsely assumes to be a justice of the peace, sheriff, deputy sheriff, coroner, constable, or other peace officer, and takes upon himself to act as such, or requires any person to aid him in a matter pertaining to the duty of such pretended office, shall be imprisoned for not more than one year, and fined not more than a thousand dollars.

§ 25. An attorney for the commonwealth shall be deemed guilty of compounding an offense, who before conviction shall receive or agree to receive money or other thing, or the promise thereof, not to prosecute for any violation of a penal law, or only to prosecute for one or more violations thereof, or in any other way to aid or favor an offender in escaping, or avoiding the full penalties of the law.

If he is entitled to a portion of the penalty, and agrees to give such aid or favor to the offender, upon payment or confession of judgment, for one or more penalties, or a part thereof, he shall also be deemed guilty of compounding an offense.

§ 26. Any prosecutor or informer, under any penal act, who before conviction shall receive any part of the penalty, and in consideration thereof, or the promise thereof, or in consideration of money or other thing, received or promised at any time, shall fail to prosecute, or agree not to prosecute the offender for any, or all the penalties incurred by him, or to withhold any witness or evidence against him, such prosecutor or informer shall be deemed guilty of compounding an offense.

CHAPTER VII.

OFFENSES AGAINST PUBLIC MORALS AND DECENCY.

§ 1. Whoever shall maliciously publish any libel, or sell or circulate any book, pamphlet, sheet, print, drawing or painting, which contains, expresses, or signifies any obscene, lewd, or immoral matter or meaning, tending to deprave or corrupt the morals of the people, shall be imprisoned not more than thirty days, or fined not more than one hundred dollars, or both.

§ 2. Whoever shall be guilty of any open lewdness or indecency in any public thoroughfare or other place of public resort, or in view thereof, shall incur the like penalty.

§ 3. Whoever shall unlawfully arrest or prevent, or obstruct, the burial of any dead human body, or disinter or displace any dead human body, which shall have been buried or deposited in any vault or cemetery, shall be imprisoned not more than three months, or fined not more than five hundred dollars, or both.

§ 4. Whoever shall expose his wife to sale, or shall agree to buy the wife of another person, shall incur the like penalty.

§ 5. Whoever shall keep any bawdy-house or other disorderly house, room or place, shall be imprisoned not more than six months, or fined not more than a thousand dollars, or both.

§ 6. Whoever being married, shall marry another person in this state, during the life of the former husband or wife, or so having married another person out of this state, cohabits as man and wife, with such other person within this state, is guilty of bigamy, and shall be confined in the penitentiary from three to nine years.

1. A Person shall be deemed to be married, though his or her first marriage be voidable.

2. A person shall be deemed to be married, though the first marriage has been dissolved by decree of divorce, if the subsequent marriage take place before, by the terms of the decree or the law, the party is permitted to marry again.

§ 7. The last section shall not apply to any person marrying a second time, whose husband or wife shall have been continually absent from such person, for the space of five years then last past, and shall not have been known by such person to have been living within that time.

§ 8. The party to such marriage or cohabitation who is not guilty thereby of bigamy, shall not be treated as an accessory or accomplice thereto.

§ 9. Adultery shall be punished by fine of sixteen dollars; fornication by fine of eight dollars; profane cursing or swearing, by a fine of one dollar; and being drunk by a fine of one dollar.

§ 10. Whoever on the sabbath day shall be found laboring at his own, or any other trade or calling, or shall so employ his apprentice, servant or slave, except in the ordinary household offices of daily necessity, or other works of necessity or charity, shall be fined two dollars; and every apprentice, servant or slave so employed, shall be deemed a distinct offense.

But no person shall be liable to such penalty, who is a member of a religious society, which observes any other day of the week than Sunday as a sabbath or day of rest, if he so observe such other day.

§ 11. Whoever shall exhibit or show a stud horse or jack, or use him in covering within view or hearing of any place of public worship, during the time that any assemblage of persons are engaged in public worship, or assembled for that purpose, or dispersing therefrom, so as in any way to disturb or annoy any part of such assembly, shall be fined not more than fifty dollars.

CHAPTER VIII.

COMMON NUISANCE.

§ 1. A common nuisance is any unlawful act or omission which injures or annoys, or tends to injure or annoy inhabitants of this state, in the enjoyment of any public right or privilege, or which causes, or directly tends to cause any public calamity, mischief or disorder, or which causes or directly tends to cause, any common injury, damage, inconvenience or annoyance to inhabitants in respect to their habitations, property, personal safety, health or comfort.

As, unnecessarily and without justification, spreading or endangering the spreading of small pox, or other infectious disease, by causing an infected person to pass through a frequented street, or by keeping a pest house so as to endanger neighbors or passers on the high-way, or by other means.

Making or storing gunpowder, or other explosive substance, in or near a populous or frequented place.

Making loud and troublesome noises.

Permitting ferocious or dangerous animals to go at large.

Obstructing, injuring or enclosing a public high-way, or leaving it out of repair, or obstructing a navigable stream.

Selling or exposing for sale, as food for man, any putrid meat, or other noxious or unwholesome food or provisions.

Corrupting or defiling the water of any well or spring, used and enjoyed by the public.

Making, selling, keeping for sale, or using in a town, any squibs, rockets, or other fire works, without the permit of the town or city authorities.

§ 2. It is also a common nuisance to set up, carry on or continue, any noxious, unwholesome or offensive trade, occupation, business, works or process, or by any other noxious or offensive means, infect, corrupt or vitiate the air, or render it impure or unwholesome, or by such or any other means, to cause loud and continued noise, and thereby occasion injury or annoyance to those dwelling in the neighborhood, in respect of their health or comfort and convenience of living, or the value of their property.

1. But no such matter shall be treated as a common nuisance, where such trade, occupation, business or works, shall have been carried on without any material increase, and without any indictment found against the same for the space of twelve years, or although such indictment may have been found, if the party was acquitted.

2. The injury or annoyance, under this section, must extend to the inhabitants of more than three dwellings.

§ 3. Occasioning a groundless fear, or merely a slight or inconsiderable annoyance or inconvenience, is not a common nuisance. There must be a substantial prejudice to others in the enjoyment of their lives, property or privileges, and whether the offense, annoyance, or prejudice, be of such degree is a question of fact.

§ 4. A common nuisance shall be punished by imprisonment for not more than one year, or fine of not more than one thousand dollars, or both.

§ 5. Whoever shall willfully or maliciously do or omit any act, with intent to endanger or manifestly tending to endanger the personal safety of any passenger or person conveyed in or upon any carriage, or engine passing along any railway, shall be confined in the penitentiary not more than four years, or imprisoned not more than one year.

§ 6. Whoever shall maliciously do or omit any act, with intent to obstruct or directly tending to obstruct, the lawful use of any railway, shall be imprisoned not more than one year, or fined not more than a thousand dollars, or both.

§ 7. Whoever being an engineer on a steamboat, or an engine driver or conductor of any railway, engine or car, shall be found drunk while employed in superintending such engine or car, or shall negligently and contrary to duty, do or omit to do any act whereby the life or limb of any person passing along, or being on the boat or upon the railway, is greatly endangered, shall be imprisoned not more than two months, or fined not more than two hundred dollars, or both.

§ 8. Any apothecary, druggist, or other person, who shall sell or deliver to any white person under the age of fifteen years, or to any slave or free negro, any poisonous drug or medicine, without the consent of the parent or guardian of the minor, or of the master or hirer of the slave, shall be fined one hundred dollars.

CHAPTER IX.

LOTTERIES.

§ 1. Whoever shall set up, draw, manage or otherwise promote any lottery for money or other thing, or dispose of, or promote the disposing of any money or thing of value by way of lottery; or aid in the doing of either of said offenses, shall be fined from one hundred to ten thousand dollars.

§ 2. Whoever shall write, print, vend or have in possession with intent, for himself or another, to sell, or offer to sell, negotiate, exchange or dispose of any ticket, share of a ticket, or any writing, certificate, token or device, purporting or intending to entitle the holder, bearer or any other person to any prize, or any share of or interest in any prize, to be drawn in any lottery in or out of this state, shall be fined for every such offense from one hundred to one thousand dollars.

§ 3. Whoever shall knowingly permit in any house, shop or other building occupied or controlled by him, the setting up, managing or drawing of any lottery, or the sale or exchange of any lottery ticket or other thing mentioned in the last preceding section, shall incur a like penalty as therein named.

§ 4. Whoever shall advertise or give public notice of any lottery ticket or other thing, in the last two sections, being for sale or exchange, or set up or exhibit any sign, symbol, or other representation of a lottery or the drawing of a lottery, indicating where the same may be bought or obtained, shall incur the like penalty as in those sections named.

§ 5. The penalties of the three preceding sections shall apply as well where the lottery is merely pretended and fictitious, as to the cases where the lottery is real: *Provided*, that this chapter shall not apply to the lottery privileges granted by the state of Kentucky, nor release them from any of the restrictions or penalties, now existing by the laws of this state.

CHAPTER X.

OFFENSES RELATING TO THE CURRENT COIN.

§ 1. The term *coin*, as used in this chapter, means any gold or silver money, or money of which gold or silver, or both, are the principal constituent parts, current by law or usage in any part of the United States.

§ 2. Counterfeiting is the falsely making, or assisting in the making, any coin resembling or apparently intended to resemble or pass for any current gold or silver coin, and of less intrinsic value than the coin of which it is a resemblance.

1. The offense is complete, though the counterfeit coin be not finished or perfected, or in a fit state to be uttered.

2. The gilding or silvering, or the washing with any material producing the color of gold or silver, of any copper or spurious coin, or the so gilding or coloring, with the color of gold of any silver coin, is counterfeiting.

3. The filing, clipping or in any manner altering the current coin, so as to impair or diminish its value is also counterfeiting.

§ 5. The *uttering* of counterfeit coin means the fraudulent putting it in circulation, passing, tendering or offering to pass it as genuine, or aiding therein, knowing the same to be counterfeit; or the selling it to another, or employing another to sell or pass it, such other knowing or believing it to be counterfeit.

§ 3. Whoever shall counterfeit any current gold or silver coin, or utter the same, shall be confined in the penitentiary for not less than four nor more than fifteen years.

§ 4. Whoever shall have in his possession, or custody, three or more pieces of counterfeit coin, knowing the same to be counterfeit, and with intent to utter the same, shall be imprisoned for not more than two years, and for a repetition of the offense, after one conviction, shall be confined in the penitentiary from four to fifteen years.

§ 5. Whoever shall, at any one time, knowingly have in his possession, custody, or control, ten or more pieces of counterfeit coin, may be presumed to know that they are counterfeit and intend to utter them, unless he can prove that he paid for them their full nominal value; or repel such presumption by proof of good character or otherwise.

§ 6. Whoever shall buy, sell, receive, pay or put off, or offer to buy, sell, receive, pay, or put off any counterfeit coin, at or for a lower rate or

value than the same by its denomination imports, shall be confined in the penitentiary not more than five years.

§ 7. Whoever shall knowingly make or mend, or proceed to make or mend, or buy, or sell, or have in his custody, possession, or control, any machine, press, die, or tool, used or intended to be used in counterfeiting, shall be confined in the penitentiary from four to fifteen years.

CHAPTER XI.

FORGERY.

§ 1. Forgery is the false making of an instrument by one person with intent to prejudice, and which might prejudice the right of another, if received as true and genuine.

1. "Instrument," comprehends any written instrument, and any character, figure, impression, device, or other visible mark, whether it appear on any material, or in the substance thereof, and also, any type, die, seal, stamp, plate, or other thing for making, upon or in any material, any impression, mark, or other visible distinction used or intended as a mean for authenticating the truth or genuineness of any fact or thing.

2. "Written," as used in the last sub-section, applies whether the words or figures of the instrument, or any of them, be expressed at length or abridged, and whether they be so expressed by means of writing, printing, or otherwise.

3. An instrument is falsely made when it is not really the instrument or mean of authentication for which it is intended to be taken, and is made with intent to obtain that credit which would be due to it if it were genuine.

4. It is falsely made, if so made in any material part.

5. Any alteration of it in a material part, whether by addition, diminution, erasure, or other device or means, is a false making.

6. It is not essential that any one should be actually prejudiced or deceived by the forgery.

7. Nor is it material that the party making or uttering the forgery, intended to prevent any prejudice thereby to any other person, or to make indemnity for such prejudice, if the forgery was intended to deceive or defraud any one, and its use would tend to defraud or prejudice another.

8. Where the falsification has no tendency to prejudice another, it is not a forgery. As the substitution of a lesser sum in a bond by the obligee.

§ 2. If several persons shall make distinct parts of, or shall otherwise designedly contribute to the making a false instrument which is the subject of forgery, each of such persons shall be deemed to have falsely made such instrument.

§ 3. If any person, being deceived as to the contents of any written instrument, shall be induced to sign or otherwise execute the same, the party by whom he was so induced to sign or execute the same, shall be deemed to have falsely made it, and punished as for a forgery.

§ 4. If a person shall make or execute in his own name, any written instrument which is false in respect of the date, or any other material

part, with intent to prejudice the right of another, it shall be deemed to be a false making of such instrument.

§ 5. It shall be deemed to be a false making of a written instrument, if the offender falsely make it with intent to prejudice the right of another, in the name of any other person, real or supposed, although such name be the offender's own.

§ 6. It is not necessary that the forged instrument should be valid, if genuine, provided it be not illegal in its very frame; and whether the objection to its validity be founded on a mistake or omission in the instrument, or upon some collateral objection.

§ 7. It is not essential that the thing forged should bear an exact or strong resemblance to the thing which it is intended to represent, provided it so far resemble that it might be mistaken for the thing represented, by one not intimately acquainted with the distinctive characteristics of such represented thing.

§ 8. The uttering of any forged writing, or thing, is the passing, negotiating, assigning, disposing of, or putting it in circulation, or the offer, or attempt to do the same; and if done by a person, knowing it to be a forgery, with intent to prejudice the right of another, such person shall incur the like penalties as if he had forged such writing or thing.

1. The delivery of a forged writing or thing, to another, with intent that it should be uttered by him, or by his procurement, is such "disposing," or "uttering," by the person delivering it.

2. It is not material to the uttering of a forgery that the forgery was made out of this state, or that the instrument was made by mistake.

3. The receiving, claiming, or demanding, or endeavoring to obtain money, or other thing, by virtue of a forged instrument, is an uttering of such instrument.

§ 9. The cancelling, destroying, or obliterating a writing, or any material part thereof, being the writing of the offender, or that of another, with intent thereby to prejudice the right of another, and whereby such other might be so prejudiced, shall be punished in the same manner as forgery.

§ 10. The fraudulently filling up a signed blank, otherwise than the party filling up is authorized; or the fraudulently writing over, or connecting with a writing, so as to be apparently connected with and authenticated or sanctioned by a signature, anything other than what was authorized by the signer, with intent, in either case, to prejudice the right of another, and so that another might thereby be prejudiced, shall be punished in the same manner as forgery.

The knowingly and fraudulently uttering of a writing so made, shall be punished in the same manner.

This section shall not prevent any writing from being a forgery which otherwise would be such, nor affect the civil liability of any person thereon.

§ 11. Any officer or magistrate who, knowingly and corruptly, falsely certifies over his signature, any testimony, declaration, statement, or affidavit, as having been given, or made before him, when none such was so given or made, shall incur the like penalties as are prescribed against forgery.

§ 12. Any officer authorized to take acknowledgment, or proof of deeds

or other writings, in order to entitle them to be recorded, or to be produced in evidence, who falsely and corruptly certifies that any such deed or other writing was acknowledged before, or proved before him, when in fact no such acknowledgment or proof was made, shall incur the like penalties as are prescribed against forgery.

And any officer authorized by law to certify any fact, whose certificate is legal proof thereof to any purpose, who falsely and corruptly certifies such fact, knowing it not to be true, or not having reason for believing it to be true, shall also incur the penalties against forgery.

The knowingly and fraudulently uttering any such certificate as is mentioned in this or the last preceding section, shall also be punished in the same manner as forgery.

§ 13. Whoever shall engave, make, or mend, or begin to engave, make, or mend, or aid therein, or shall have in his possession or control, partly or wholly engraved or made, any plate, block, press, machine, implement or article, adapted and designed, and known by him to be intended for the making of forged bank bills or notes of any bank within or without this state, or bills or notes purporting to be the bills or notes of a bank, in or out of this state, or adapted and designed to be used for forging any note, bond, bill of credit, certificate, or other evidence of debt of this state, or any other state, district, or territory, or of the United States, or purporting to be such, with intent to use the same, or cause or permit the same to be used in any such forgery, shall incur the like penalties as are prescribed against forgery.

§ 14. Whoever shall make, provide, or have in his possession or control any paper, parchment, or other fabric or material, adapted and intended to be used for forging any of the evidences of debt enumerated in the last section, and knowing the same to be intended so to be used, and with the intent so to use the same, or cause or permit the same to be used, shall incur the like penalties as are prescribed against forgery.

§ 15. Parties doing any of the acts enumerated, or possessing, or controling any of the machines, implements, fabrics or materials mentioned in the two last preceding sections, shall, unless the contrary appear, be presumed to know that the same were designed to be used for the purpose of forgery; and it shall also in like manner be presumed, that such parties intended so to use, cause or permit the same to be used.

§ 16. Whoever shall knowingly have in his possession or control, at any one time, five or more forged evidences of debt, or demands for money or property, may be presumed to know that they are forged, and intends to utter them, and unless the contrary appear, he shall incur the penalties prescribed against forgery.

§ 17. The knowingly uttering of a bill or note, or the attempt to utter the same, or the having in possession or control five or more bills or notes, purporting to be bill, bills, note or notes of a bank, not within this state, and having the usual semblance of bank notes, when there is no such bank, or where the name or names signed to any bank note, purporting to be the bill, bills, note or notes of a bank within or without this state, is or are not the name or names of the cashier, president, or other person authorized to sign for such bank, be treated and punished in the same manner as if such bills or notes were forged.

§ 18. The forging of the seal of the commonwealth, or of the seal

officially used by the register of the land office, or of any court, or corporation within this state, or the stamp, or impression of any such seal, and the knowingly having such forged seal in his possession or control, with intent fraudulently to use the same, shall be punished by confinement in the penitentiary from five to fifteen years.

§ 19. All other forgery, and all offenses directed to be punished as forgery, shall be punished by confinement in the penitentiary from two to ten years.

CHAPTER XII.

HOMICIDE AND OTHER OFFENSES AGAINST THE PERSON.

ARTICLE 1.

Of what Homicide the Law takes Cognizance.

§ 1. Homicide is the destruction of the life of one human being by the act, procurement, or culpable omission of another.

1. The "life" must have been complete by birth.

2. It is not essential to such "life," that the umbilical cord should be separated, or that the circulation of the child's blood should be distinct from that of the mother.

3. The "destruction" must result from bodily injury, as contradistinguished from death occasioned by mere influence on the mind, or by any disorder or disease arising from such influence.

As where death ensues from mere words or signs operating on the imagination or passions.

4. If words or signs calculated to produce an act which will cause death, are used, and they do cause an act which destroys life, it is "homicide."

As when a blind man, or stranger in the dark, is directed to a precipice, where he falls and is killed; or, a verbal direction is given to take a drug which it is known will prove fatal, and it does cause death.

6. The "procurement" may be by any intermediate agency; as that of an infant of tender years, an idiot, a lunatic, pit-fall, concealed spring gun, &c.

Or, by any mode: as poisoning the air of a room in which a person is asleep or confined, starvation, or exposing an infant or other helpless person to be frozen, &c.

7. The "culpable omission" may be by the failure to discharge any legal duty which causes death.

As the assumed duty of physician, nurse, carrier, jailer, master, guardian, &c.; or, that growing out of the relation of the parties, as parent and child, husband and wife, &c.

It is also a "legal duty" when imposed by law, or its omission gives cause for civil action.

6. The "act of another" must cause the destruction. Therefore, suicide is not embraced by the definition: the honest advising another to commit suicide, is not, but the aiding him in its commission is homicide. But if committed under the influence of dishonest advice, or if its com-

mission is promoted by willfully false statements, then it is homicide in the adviser or promoter.

8. "Human being" includes every one of the human species, though a savage, slave, idiot, lunatic, under sentence of death, or on alien enemy.

9. The death must ensue within a year and a day from the time the injury was received, counting the whole day on which it was received as one.

§ 2. It is homicide, although the effect of the bodily injury be merely to accelerate the death of one laboring under some previous injury, disorder, or disease.

§ 3. Where the hurt is adequate to cause death, and does cause death, it is homicide, although by the use of more skillful means a recovery might have been effected.

§ 4. Where a slight wound is given, which, from neglect, becomes a mortification, and death thereby ensues; or if a slight injury, from gross mistreatment, proves fatal, this is not a homicide by him who inflicted the wound or injury.

§ 5. But when a slight wound or injury proves fatal without any plain neglect, or manifestly improper treatment, it is homicide.

Thus, where an artery is cut, and the person bleeds to death for want of aid; or a leg is broken, which compels him to reman exposed to inclement weather, which causes disease and death.

§ 6. Compelling a person to do an act likely to cause, and which does cause his death, is homicide, though the compulsion be by threats only, or the command of one having power and authority to punish disobedience.

ARTICLE II.

Justifiable or Excusable Homicide.

§ 1. Homicide is excusable whenever the death of one human being, caused by another, can be attributed neither to negligence nor design, but happens accidentally in the doing of a lawful act, by lawful means.

§ 2. Justifiable homicide is that which is required or permitted by law.

1. As when committed against a foreign enemy, or traitor, levying war against the state, or the United States, provided it be done according to the laws of war and the usages of civilized nations, or committed in the lawful suppression of, or resistance to insurrection, rebellion, or riot.

2. Or, committed in the execution of an unreversed sentence of a court of competent jurisdiction, in the manner, at the time, and by the person prescribed by law.

3. Or, upon an officer or soldier of the militia, when in actual service, or of the army or navy, in pursuance of the rules and articles of war.

4. Or, necessarily committed in the execution of the lawful order of a court, magistrate, or other tribunal, or in the making or maintaining a lawful arrest without such order, or in the lawfully interposing for the prevention or suppression of any offense.

But, to guard against the abuse of this ground of justification, there must have been a substantial observance by the party committing the homicide, of the rules appended to this chapter for the government of officers and others, in executing orders, and in making and maintaining arrests.

§ 3. Homicide is also permitted in the necessary defence of person, of

personal liberty, or of property, against attempted or impending unlawful violence.

1. As where the party killing has reasonable cause for believing, and believes it to be necessary for preventing the perpetration of any felony, attempted to be committed by violence or surprise against the person, habitation, or property of the party killing, or any other.

But the intent to commit the felony must be apparent from acts or acts coupled with words.

The homicide must be done not only after the felony has been attempted, but also before it is completed.

It is not completed in this sense, whilst the robber is still in the presence of the party robbed, though he be in flight with his booty; whilst the murderer or ravisher is still committing violence; nor in the cases of arson, burglary, and nocturnal theft from a house, whilst the offender is still in the building where the crime has been committed.

2. If the crime could have been prevented by means within the power and knowledge of the party killing, without inflicting death, and without danger of life, it is not justifiable homicide.

3. Theft without violence cannot be justifiably prevented by homicide, unless it be to arrest the thief in immediate flight. Hence, homicide produced by the setting of any deadly weapon, such as a spring gun, to prevent theft, is not justifiable, unless it be set in some house or vessel, so secured that an entry cannot be obtained therein but by violence.

4. Where the offense to be prevented does not amount to felony, all reasonable endeavors must be used to avoid the danger, or prevent it by other means short of killing.

5. Homicide is justifiable, where one in lawful defense of his person, or liberty of locomotion, repels force by force, and, using no more violence than he has reasonable cause for believing and believes to be necessary for self defense, kills the assailant.

Where, from the nature of the attack, the weapon used by the assailant, his relative weakness or other circumstances, the assailed could have protected himself from serious injury without inflicting death, or using means likely to produce it, the homicide is not justifiable, because not necessary to the defense.

6. The attack must be such as gives just fear of death, or grievous bodily harm, or with a manifest intent, accompanied with sufficient apparent force, materially and injuriously to deprive the party of his liberty of locomotion, or to subject him to materially injurious coercion or restraint, in order to justify the use of deadly weapons in defense.

7. Homicide is justifiable where one in defense of property in his actual lawful possession, repels unlawful force by force, and using no more violence than he has reasonable cause for believing, and believes to be necessary for the defense of his possession or saving the property from destruction, kills the wrong doer.

8. The "property" defended may be real or personal, but must be corporeal and in the actual legal possession of the person defending; but he need not have the absolute right of property.

9. Homicide necessarily done by any one in defense of his dwelling-house or that of another, against destruction, or against an unlawful forcible entry therein is justifiable.

But if in defense of other property, it is not justifiable, unless done in a personal conflict, growing out of the effort to make defense against or wrongful entry into, deprivation of, injury to, or destruction of the property, or unless such entry, deprivation, injury or destruction would be a felony.

For instance, the shooting of a dog or a fowl cannot be justifiably prevented by homicide; neither can the taking and carrying away of a horse, without violence to the owner or person in lawful possession be so prevented, unless the taking and carrying away would be felonious; but if the owner being in the actual possession of the horse, interpose personal resistence which is attempted to be overcome, he may use any degree of necessary force to prevent himself from being so forcibly deprived of the possession.

The distinction is between the perpetration, or attempt to perpetrating a mere trespass or misdemeanor, without attempted or impending personal violence to the owner, and that which is accompanied with such violence.

10. Homicide is justifiable when one in lawful possession of house or land, after requesting another who has no right to be there to depart, upon such wrong-doer's refusal to do so, is resisted in his endeavor to remove him, and using no more violence than he has reasonable cause for believing, and believes to be necessary for the removal of such wrong-doer, and being from the violence with which such wrong-doer resists his removal, under reasonable apprehension of immediate death, or grievous bodily harm, if he persist in his endeavor to remove him, kills such wrong-doer.

§ 4. Homicide in necessary self-defence may be justifiable, although the party killing committed the first assault, or engaged in an unlawful conflict which led to the homicide. This rule, however, is subject to the following limitations:

That the party killing did not either commence or provoke the attack with intent to kill or do grievous bodily harm, nor, during the conflict and before the necessity for killing arose, endeavor to kill or do grievous bodily harm.

That he declined further conflict and quitted and retreated from it, so far as was practicable with safety to his life.

That he killed the assailant because he had reasonable cause for believing it to be necessary so to do, in order to avoid immediate death.

§ 5. Homicide is excusable where a party who would have been justifiable in killing one person, by mistake or accident, and without negligence kills another.

§ 6. Homicide is excusable where death results from an act done in good faith, with intention of affording succor or aid to the person killed, without any intention to injure him, and without incurring wilfully any unnecessary risk, and with the use of all proper caution.

§ 7. Where a party has lost the possession of property by violence or otherwise, he is not justified, except in the case of fresh pursuit after a robbery, in committing homicide in the attempt to regain possession. Nor is the original aggressor justifiable in killing in defense of a possession, so wrongfully obtained by violence.

§ 8. Acts of mere retaliation or revenge, however strong the provocation, are never justifiable homicide.

§ 9. The necessity for the force used in defense, also in making or maintaining arrest, or in performing other legal duty, shall be judged of according to the circumstances as they may have appeared to the party committing the homicide.

§ 10. Whether the force used in any defense, or in the performance of any legal duty was necessary, or whether it was excessive in kind, mode or degree, are questions of fact to be determined by the jury.

ARTICLE III.

Culpable Homicide.

§ 1. Every homicide that is neither justifiable or excusable according to the preceding rules of this chapter, is culpable, and must be punished. Such homicides are involuntary, negligent, or voluntary.

Involuntary or Negligent Culpable Homicide.

§ 2. Where there was no design to kill either the person killed or any other, it is involuntary; and if the killing be done otherwise than in the performance of a lawful act, by lawful means, in a lawful manner, and without negligence or rashness, it is culpable involuntary homicide.

If done in perpetrating, or the attempt to perpetrate any felony by violence, it shall be punished as murder in the second degree, and conviction may be had under an indictment for murder.

If done in the attempt to commit felony without violence, it shall be punished by confinement in the penitentiary for not more than seven years.

If done without attempt to commit felony, it shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding three years, or close imprisonment not exceeding one year, or by confinement in the penitentiary not exceeding five years.

§ 3. *Culpable involuntary homicide not done in the attempt to perpetrate felony*, is distinguishable from excusable involuntary homicide, by reason of some negligence or other fault in the person committing it. The degrees of such negligence or fault are so various and of such wide range, that an equally large discretion is unavoidably left to the jury in applying an adequate and appropriate punishment. To guard against a wanton or inconsiderate abuse of this discretion, the court is authorized to reduce the penalty fixed by the jury.

1. The lowest degree of homicide in this class, is that inflicted in the performance of a lawful act, in a manner and under circumstances where there is no apparent risk of life, but without that care and precaution which a prudent man would take to avoid the risk of destroying life.

As by discharging fire-arms believed not to be loaded, but without examination, or without examining whether any person be within range, or by blasting a quarry in an unfrequented place, without examining whether any person is near enough to be injured.

2. A higher degree of the offense is where it is done in the performance of a lawful act, but under circumstances, in a manner or by means

which cause an apparent danger of inflicting death, and without due precaution to avoid such danger.

As where death ensues from the discharge of the fire-arms in a town; or from the bursting of a cannon proved in or near the highway; or from the throwing of materials from the upper part of a house; or the pulling down of a house in a town, without previous examination whether any person be in the way, or without the precautions required by the police regulations of the place, &c.

3. It is a still higher degree of the offense if done in the performance of an unlawful act, and especially if the act be itself a penal offense, though not amounting to a felony.

4. Ranking with the last, and among the highest degrees of the offense, is that of any carrier or servant of a carrier, for the transportation of persons, rashly periling the lives of his passengers, and causing death among them by want of proper care, either as to the trustworthiness of any vehicle or vessel, or any engine, machinery or horses, pertaining thereto, or as to the manner of managing, driving, conducting, or propelling the same.

§ 4. Homicide is negligent whenever death is not willfully caused, but occurs in any sport or amicable contest, if weapons, instruments, or means be used, which cannot be used without probability of grievous bodily harm. When no such weapons, instruments, or means are used, the homicide is not negligent but accidental.

Criminal Voluntary Homicide.

§ 5. Voluntary homicide is criminal whenever it is neither justifiable nor excusable, according to the preceding rules of this chapter, and must be punished.

There are two degrees of this crime, extenuated homicide and murder.

ARTICLE IV.

Extenuated Homicide, or Manslaughter.

§ 1. Homicide is "extenuated" whenever the killing is willful and not justifiable or excusable, according to the preceding rules of this chapter, but the act from which death results is attributable to a momentary impulse occasioned by passion, arising from sudden and grave provocation, or by fear or alarm, which passion, fear or alarm for the time, suspends the power of self-control.

The provocation is "grave" when it is such as would be likely to move to violent passion a person of ordinary temper, who is of similar age, sex, and condition in life with the accused.

§ 2. When the impulse or want of self-control in the result of passion, it will not extenuate the killing of any other than the person offering the provocation, unless it be done by accident or mistake.

§ 3. Whether such passion, fear or alarm existed, whether it so destroyed the self-control, and whether it so occasioned the act as mentioned in the first section of this article, are questions of fact to be determined by the jury.

No provocation or injury ought to be deemed to have destroyed the self-control and produced the impulse, unless the homicide immediately ensues, the provocation or injury without such reasonable lapse of time

as would allow the passion or fear to subside, so far as to permit the judgment to resume its sway of self-control.

The distinction to be observed by the jury, is between the indulgence which the law accords to human infirmity under the sudden impulse of passion, and which it denies to revenge under the influence of hate, however bitter, or however great its provocation. The law is the only avenger which can be allowed in a republic.

§ 4. Homicide is not extenuated where the offender either seeks the provocation as a pretext for killing or for doing grievous bodily harm, or where he endeavors to kill or do grievous bodily harm, whereupon provocation is given.

§ 5. Homicide is not extenuated where the provocation arises alone from the lawful making or maintaining of any arrest, the lawful execution of any legal order, or the lawful keeping of the peace or prevention of crime, or the moderate infliction of punishment by a parent or master, on a child, servant, or apprentice.

§ 6. Homicide is extenuated where, upon a sudden quarrel parties fight, and one of them is killed in heat of blood, if the killing be attributable to the want of self-control caused by the heat of blood.

§ 7. In such case it is immaterial which party offered the first affront, or made the first assault, if the party killing did not bring on the fight for the purpose of killing.

§ 8. Homicide is extenuated, when the willful act or omission from which death results was at the request or with the consent of the party killed.

But such homicide shall not be extenuated if the party killed is in a state of idiotcy, or is under sixteen years of age, or is by reason of unripeness or weakness of mind, or of any unsoundness, disease, or delusion of mind, or of passion incapable of fully understanding and appreciating the nature and consequence of the act or omission; or where such extent is extorted by the party killing, or obtained by any undue influence; or where he has any reason to believe that such consent is given, in consequence of some false impression as to facts on the part of the person killed, or where the party killing has any motive of benefit to himself or another for obtaining such consent.

§ 9. It is extenuated homicide where the parties fight upon mutual agreement with deadly weapons or otherwise, and one of them is killed, if the party killing was guilty of the use of no unfair means, and took no unfair advantage of the other.

§ 10. Where an officer or another acting under insufficient warrant or other judicial order for arrest or maintaining arrest, in good faith believes such warrant or order to be sufficient, is forcibly resisted, and using no more force than is legal, necessary, and proper to overcome such resistance, happens to kill the person resisting, such killing is extenuated homicide.

ARTICLE V.

Murder.

§ 1. Homicide is murder whenever the killing is willful, and is neither extenuted, nor justifiable, nor excusable within the provisions of this chapter.

§ 2. Perjury, or subornation of perjury, committed with intent to destroy the life of any person, and by reason whereof such person is convicted and suffers death by the sentence of the law, shall not be deemed to be murder; but either crime shall be punished with death, or by confinement in the penitentiary for life, or for not less than fifteen years.

§ 3. Murder perpetrated in the commission, or the attempt to commit rape, arson, burglary, robbery, abduction, or any crime punishable with death; or committed in unlawfully resisting any judicial order or process, or resisting the making or maintaining any lawful arrest; or committed with extreme atrocity or cruelty in the motive or the manner, or in regard to the person upon whom it is committed, is murder in the first degree, and shall be punished by death.

1. The *atrocity of the motive* is indicated when the homicide is committed on a judge, juror, or witness, for something done in that capacity; or to obtain a pecuniary benefit for the murderer or another; or when it is done or procured to be done for hire; or where it is done to prevent a witness from testifying, or to prevent the disclosure of any matter disgraceful to the murderer, or his near relation; or where the trivial nature of the provocation, or the absence of any assignable motive, betrays extreme malignity and depravity of heart; or in any such like case.

2. The *atrocity or cruelty in the manner* is indicated when the homicide is committed by poisoning, starvation, freezing, burning, scalding, smothering, hanging, drowning, lying in wait, firing into a dwelling at night, great laceration, or such like cruel and unusual mode of killing, indicative of gross malignity or depravity.

3. The *atrocity or cruelty in regard to the person killed*, is indicated when the homicide is committed on a person over seventy or under fifteen years of age by an adult; on a person asleep, or on a traveller on the high road, by a man on a woman, by husband on wife, or wife on husband, by parent or grand parent on child or grand child, by child or grand child on parent or grand parent, by guardian on ward or ward on guardian, by master on apprentice or apprentice on master, by jailer or other officer on prisoner in his custody, by physician, surgeon, or nurse on the patient; or when it is done in violation of any such like trust or confidence.

§ 4. Every murder, except such as is embraced in the next preceding section, with its sub-sections, is murder in the second degree, and shall be punished by confinement in the penitentiary for life, or not less than five years.

§ 5. If the jury find the accused guilty of murder, they shall say in which degree, and if in the second degree, fix the time of confinement.

§ 6. If the jury think that extenuating circumstances take the case out of the spirit or policy of the rule defining murder in the first degree, as regards the person killing or killed, they may recommend the court to reduce the punishment to not less than five years confinement in the penitentiary, and if the court concurs in that opinion, it may be so done.

§ 7. Criminal voluntary homicide, other than murder, shall be punished by confinement in the penitentiary for not more than ten years, or by imprisonment for not more than three years, or by close imprisonment of not more than two years. To either mode of imprisonment there may be added a fine not exceeding ten thousand dollars, if the fine does not

exceed one-third the value of the estate of the accused, and the excess shall be reduced by the court. Upon a second conviction the offender shall be confined in the penitentiary from six to fourteen years.

§ 8. Under an indictment for murder, the accused may be convicted for any culpable homicide.

§ 9. When the court thinks the penalty fixed by the jury to be excessive, it may, in lieu of granting a new trial for that cause, reduce the penalty as to kind or degree, or both.

ARTICLE VI.

Other offenses against the Person.

Attempts to kill, &c.

§ 1. Whoever shall administer to, or cause to be taken, by any other person, any poison, or other destructive thing; or shall by any means manifesting a design to kill, cause bodily harm to any other person, with intent in any such cases to commit murder, shall be confined in the penitentiary for from five to fifteen years.

§ 2. Whoever shall by any means manifesting a design to kill, other than the actually administering, or causing to be taken, poison, or other destructive thing, attempt to commit murder, shall, although no bodily harm be caused, be confined in the penitentiary for not more than seven years, or imprisoned not more than three years, or suffer close imprisonment for not more than one year.

§ 3. Whoever shall set fire to, cast away, or in any wise destroy any vessel, boat, or raft, with intent to murder any other person, or shall maliciously do any such act, whereby the life of any other person is put in great danger, shall be confined in the penitentiary for from five to fifteen years.

§ 4. Whoever shall by any means not herein before in this article specified, maliciously put the life of any other person in danger, shall be imprisoned not more than three years, or fined not more than two thousand dollars, or both.

§ 5. Whoever shall negligently, as herein before, in section 3, of article 3 defined, cause danger to the life of another, shall be imprisoned not more than six months, or fined not more than five hundred dollars, or both.

§ 6. Whoever shall maliciously cause to any other person, any grievous bodily harm, shall be confined in the penitentiary for not more than six years, or imprisoned not more than three years, or close imprisoned not more than one year.

And whoever willfully, maliciously, and by lying in wait, shall cut out, or disable the tongue, put out an eye, slit the nose, ear, or lip, or cut, or bite off either, cut off, or disable any limb, or member of another, with intent, and on purpose to maim or disfigure such other, or while fighting, or otherwise, shall on purpose pull out, or put out, the eye of another, except in necessary self defense, shall be confined in the penitentiary from two to ten years.

§ 7. Whoever shall maliciously, by any means manifesting a design to cause grievous bodily harm, attempt to cause such harm to any other person, whether such harm be caused or not, be confined in the penitentiary

not more than three years, or imprisoned not more than one year, or fined not more than two thousand dollars, or both so fined and imprisoned.

§ 8. Whoever shall maliciously set or place, or cause to be set or placed, any spring gun, man trap, or other engine, calculated to destroy human life, or cause grievous bodily harm, with intent that the same, or whereby the same may kill, or cause grievous bodily harm to any trespasser or other person coming in contact therewith; or shall knowingly, and willfully permit any such trap, gun, or engine which may have been set, fixed, or left in any place in his possession, or occupation, to continue so set, or fixed in such place, shall be imprisoned not exceeding six months, or fined not exceeding five hundred dollars, or both.

§ 9. The last section shall not make it illegal to set any gun, trap, or engine, or to keep it set during the night time, in any dwelling, or other building, or in any vessel, where an entry cannot be obtained but by force or violence.

§ 10. Any person who with intent to procure the miscarriage of any woman, shall wilfully administer to, or cause to be taken by her, without her knowledge, any poison or other noxious thing, shall be confined in the penitentiary for not more than two years, or imprisoned not more than one year. If any person aids a woman in any way in producing a miscarriage, he shall be imprisoned not more than one year, and fined not more than five hundred dollars, unless such aid be rendered in good faith, with the intention of saving the life of the woman.

§ 11. Where any white woman shall have been delivered of a child, which, if born alive, would be a bastard, any person who, by any secret disposition of the dead body of the child, whether such child died before, at, or after its birth, shall endeavor to conceal the birth of such child, shall be imprisoned not more than one year, and fined not more than a thousand dollars.

Rape, &c.

§ 12. Whoever shall unlawfully and carnally know any white woman against her will, and by force, or whilst she is insensible, shall be guilty of rape, and shall be punished by confinement in the penitentiary from ten to twenty years.

§ 13. It is a rape, although the woman consent to carnal knowledge, if such consent be given through fear of death or of grievous bodily harm.

§ 14. A husband cannot be guilty of committing by his own person, a rape on his wife; but if another person commit the offense, he may be liable as an accomplice, for aiding or abetting.

But no person shall be deemed to be a husband where the woman shall have been compelled, or shall have been by fraud induced to go through the ceremony of a marriage, and either such ceremony shall be a mere nullity, or the marriage shall, by reason of such compulsion or fraud, be declared to be void from the beginning, by a court of competent jurisdiction.

§ 15. Whoever, by pretending to be the husband of any married woman, or knowing that any married woman believes him to be her husband, shall deceitfully and carnally know her, shall be punishable by not more than seven years confinement in the penitentiary.

§ 16. Whoever shall unlawfully and carnally know and abuse any white girl under the age of twelve years, shall be punished as for a rape.

§ 17. Whoever shall administer to, or cause to be taken by any white woman, any drug or other thing, with intent to render her insensible, or to produce in her an unnatural sexual desire, or such stupor as to prevent or weaken resistance, in order that, whilst in that state, he or any other may unlawfully and carnally know her, shall be imprisoned not exceeding two years.

§ 18. If a man shall commit the crime of carnally knowing another man, or any beast, he shall be confined in the penitentiary from three to ten years.

§ 19. Any, the least degree of penetration, although there be no emission, shall be sufficient to constitute carnal knowledge in the last named offense, in rape, or in the carnal abuse of a child.

§ 20. Whoever shall assault any person with the intent to commit either of the three last named crimes, shall be imprisoned not exceeding three years, or confined in the penitentiary not more than two years.

§ 21. An infant under the age of fourteen years shall be deemed to be incapable, by reason of impotency, to commit by his person either of such three last named crimes, or an assault with intent to commit either of them.

Abduction, &c.

§ 22. Whoever shall take away, or detain against her will, any woman, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be imprisoned for not more than two years, or fined not more than five thousand dollars, or both; or confined in the penitentiary not more than three years.

§ 23. Whoever shall unlawfully take, whether with or without her consent, any unmarried girl, less than sixteen years of age, out of the possession and against the will of her father, mother, or other person having the lawful custody and charge of her, shall be imprisoned for not more than one year, or fined not more than two thousand dollars, or both.

§ 24. Whoever shall unlawfully lead, or take away, or decoy, or entice away, or detain any child, under the age of ten years, with intent to deprive the parent, or other person having the lawful care and charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child; or shall with any such intent receive or harbor such child, knowing it to have been so taken or carried away, or detained, shall be confined in the penitentiary for not more than three years, or imprisoned not more than one year.

But no person claiming in good faith to be the parent of such child, or to have right to its possession, shall incur such penalty.

§ 25. Whoever shall maliciously send as prisoner, or carry any free person out of this state, or any negro who is asserting claim to freedom by suit brought, shall be confined in the penitentiary not more than three, or imprisoned not more than one year.

And whoever shall, without leave of a circuit or county court, knowingly send or carry out of this state any slave who is entitled to freedom after the expiration of a time to come, or upon the happening of some future event, shall be imprisoned from six to twelve months, and fined not more than five hundred dollars.

§ 26. Whoever shall be guilty of any unlawful restraint of the liberty of another person, shall be imprisoned nor more than one year, or fined not more than a thousand dollars, or both.

§ 27. Whoever shall maliciously or negligently cause any bodily harm, or do any violence to another, shall incur the penalties of the last section.

§ 28. It shall be justifiable to do or omit any thing declared to be an offense in this article, where, if the act or omission had produced death, such death would be justifiable homicide within the provisions of this chapter, or where the killing would not have amounted to negligent homicide.

§ 29. Whoever shall assault any other person, that is, attempt, offer, or menace by gestures, to cause any bodily harm to such person, with the present ability to cause such harm, shall be imprisoned not exceed- three months, or fined not more than two hundred dollars, or both.

ARTICLE VII.

Rules to be observed in executing orders, and in making and maintaining Arrests.

§ 1. The following rules shall be substantially observed by officers and others, in executing the order of a court, magistrate, or other tribunal, or in making or maintaing an arrest without such order.

1. The "*court, magistrate, or other tribunal,*" must have jurisdiction and power to make the order.

2. The "order" must have sufficient legal form and certainty, and be signed by the magistrate or proper officer of the court or tribunal.

For instance, a search warrant must describe with reasonable precision the place to be searched, and the thing to be searched for; and a warrant of arrest must describe the person to be arrested by name, or by such other designation as may sufficiently distinguish him from other persons, and also state the offense of which he is accused or suspected.

3. The warrant may be directed generally to "any officer of justice," which includes sheriff, coroner, constable, marshal, or other police officer of town or city, and their deputies; or it may be directed to one or more of such officers, by designation or name, any of whom so commanded shall execute it within the bounds of the county, city, or town, for which he was appointed; or it may be directed to and executed by one or more private citizens, who may voluntarily undertake its execution.

4. If the warrant does not emanate from a court of record, or from some tribunal having jurisdiction co-extensive with the state, it may not be executed out of the county in which it issued, unless it be "allowed" by the endorsement of a magistrate, county judge, or police judge of the county, city, or town where it is executed.

5. At or before the time of making the arrest, the official character or other authority of the person making it, must be announced to the party to be arrested, if the fact be not otherwise previously known by him. If such person have a written order or warrant, he must show it if required; or, if the arrest be without warrant, he must announce the offense for which he undertakes to make the arrest.

6. The arrest is complete so soon as the authority and intention have been announced, if heard by the party, and he be within reach of the person's hand making the arrest.

5. The mere effort to avoid arrest, or to escape by flight after arrest, without the use of violence, shall not authorize the infliction of any severe bodily injury, or the use of any deadly weapon in effecting the arrest, or stopping the flight, unless the party so avoiding or fleeing, attempts resistance by the use or exhibition of a deadly weapon. But an escape after committal or conviction for felony, or any breach of prison, may, when necessary, be prevented by the use of deadly weapons, provided the person attempting the escape or breach, is first warned to desist, when there is time and opportunity to give the warning.

8. If any one shall attempt, by force, to prevent his arrest, or to make his escape, or another by force shall aid him therein, such force may be overcome by force, and when absolutely necessary, deadly weapons may be used therefor.

9. The party to be arrested may be pursued into any house, and if any inner door be not opened on demand, it may, when necessary, be broken open.

10. The outer door of a dwelling shall not be broken, nor entrance therein otherwise forced, for the purpose of arrest, but under the authority of a warrant or written order, unless when a felony has been recently committed, or a committed or convicted felon has recently escaped, and there is strong reason for believing that the felon is concealed in the dwelling, and also that he will make his escape before a warrant can be obtained.

11. Nor shall the outer door of a dwelling be broken; nor entrance therein otherwise forced, but upon demand of entrance thrice made in a loud voice, after repeated loud knocking, and after notice in like manner proclaimed that the demandant is bearer of an order for the arrest of a felon, or in fresh pursuit of a felon for felony recently done, or who has recently escaped.

Furthermore, if entrance be demanded at night, unless some inmate of the dwelling be personally acquainted with the person demanding admittance, some housekeeper of the neighborhood, if to be procured, should be present, and audibly announce his name to those within.

12. Arrest may be made, or search warrant executed on any day, or at any hour of the day or night, subject to the previous rules.

13. When there is good reason for believing that the perpetrator of a crime or breach of the peace, will make his escape before a warrant can be obtained, he may be arrested by any one on the verbal order of a magistrate, or without such order, if no magistrate be present.

14. Any one may, without warrant, arrest another who has just committed, or is in the act of committing a felony; so also, when he is found near the place where a felony has just been committed, under circumstances to justify a reasonable suspicion that he is the offender.

15. In cities and towns it is the duty of watchmen and officers of justice to arrest and detain for examination without warrant, any person found at night under circumstances to justify a reasonable suspicion of having committed, or intending to commit an offense.

16. In all cases of arrest for examination, the person arrested must,

without unnecessary delay, be carried before the magistrate or tribunal making the order, or if made without warrant, then before the nearest magistrate.

17. Every citizen, when called on by a magistrate or officer of justice, is bound to assist in enforcing a judicial order, and in making or maintaining an arrest, is punishable for failing to obey the summons, and is justifiable in doing all acts in rendering aid which the officer himself might do.

18. If a person lawfully arrested shall escape or be rescued, before or after commitment, the officer from whose custody he escaped may pursue and arrest him in any part of the state and convey him back to his place of custody, by virtue of the original order or warrant.

19. These rules apply to orders and process in civil suits, as well as those in criminal proceedings.

§ 2. Whenever the law requires the performance of a public duty, which implies that forcible opposition shall be overcome in its performance, then homicide necessarily committed in overcoming forcible resistance to the performance is justifiable, if the directions of the particular law be strictly pursued, and the rules hereinbefore given are substantially complied with.

CHAPTER XIII.

LIBEL.

§ 1. A libel consists in some matter or meaning hurtful to the reputation of a person, expressed or signified by any publication in writing, printing, painting, representation, character, sign, or other visible device, except transient momentary signs.

§ 2. The matter or meaning must directly tend to injure such person in his office, trade, or profession, or to render him odious, contemptible, or ridiculous, or to exclude him from the comforts of society, or to disgrace the memory of his parent or grand parent.

This may be done by the imputation to such person of a crime, or an act or omission calculated to lessen confidence in his integrity, or some moral vice, or physical or mental defect or disease, or general character that would cause his society to be avoided.

§ 3. The "matter or meaning" may be expressed or signified directly or indirectly, and its application gathered by the aid of extrinsic facts or circumstances.

§ 4. Every one who, by composing, dictating, writing, or in any other way aids in making a libel, or in its publication, shall, when it is published, be deemed a publisher thereof.

§ 5. The exposing a libel to the view of another, or reading it aloud in the hearing of another, or dealing with it so that its contents become known to another; or the sending, delivering, placing, or disposing of it in any manner with intent that thereby its contents may be made known to another, shall be deemed a publication thereof.

§ 6. Where the publication is made by one in the general employment of another, that other may show, in his exculpation, that it was done without his knowledge, privity, or assent, express or implied.

§ 7. The publication of a libel is justifiable where the matter charged, in the alleged libel, is true, and it was for the public benefit that the matters so charged should be published.

§ 8. It is also justifiable, if true, when required or permitted by law in the necessary defense or prosecution of any matter before any court, tribunal, or officer of justice or legislative assembly; or if not true, when so made in good faith and on probable grounds or cause, and not for the gratification of malice or ill-will.

§ 9. The malicious publication of a libel shall be punished by imprisonment for not more than a year, or by fine not exceeding three thousand dollars, or both.

§ 10. No libel shall be prosecuted but at the instance or with the assent of the party injured.

CHAPTER XIV.

OFFENSES AGAINST THE DWELLING AND OTHER HOUSES.

ARTICLE I.

Burglary and House-breaking.

§ 1. It is burglary where a person, during the night, unlawfully and secretly, or by force, fraud or threats, enters the dwelling-house of another; and any one other than an accomplice being therein, or when so entering by day the party conceals himself therein until night, with the intent in either case to commit, or having so entered, in either case, commits a felony.

It is also burglary, if an inmate of such house, during the night, enters with like intent, any apartment thereof, without right or authority to enter the same, or having so entered, does therein commit a felony, whether any one be in such apartment or not, if there be some one other than himself or an accomplice in the house.

And it is also burglary to discharge any fire-arms, or to discharge or cast any missile weapon into such house during the night, with the intent of doing grievous bodily harm to any person therein; or during the night to draw out thereof any thing of value with intent to steal the same, by introducing therein the head, hand, foot, or any instrument, some one other than an accomplice being therein at the time.

1. An "inmate" is one staying in the house with the consent of the occupant or other person having right to consent.

2. The "entry" must be with the whole person or the greater part thereof.

3. It may be a burglarious "entry," though made with the aid or assent of a servant, inmate, or other person within the house not having authority to consent, and such servant, inmate, or person, shall be deemed an accomplice.

§ 2. The term "dwelling-house," as used in this chapter, means the whole of any fixed and permanent building, the greater part whereof is used or intended to be used as a residence by day and by night, or that part of any fixed and permanent building which is ordinarily used by

some one for the purpose of lodging or sleeping, with the assent of a person authorized to consent.

1. A "dwelling-house" extends to and comprehends all the apartments, buildings, or parts thereof not being part of another dwelling-house which have an immediate or enclosed and covered communication with each other, and although they be not under the same roof.

2. It also comprehends any such detached building within the curtilage of the main dwelling, ordinarily used for sleeping in, and in which some one is at the time of perpetrating, or the attempt to perpetrate burglary or arson.

3. It does not comprehend an apartment occupied by another than an occupant of the dwelling, though part of the same building, unless there be an open communication between it and the dwelling. If any person ordinarily sleeps in such separate apartment it is his dwelling.

§ 3. In an indictment for burglary, arson, or house-breaking, or the attempt to commit either, the house may be described by the name of the owner or occupant, or any one of several owners or occupants, or by the name of any person therein at the time of committing or attempting to commit the offense of burglary or arson, or the name of the owner, occupant, or such person need not be stated, if the house be otherwise sufficiently described for identification.

§ 4. If an inmate, other than an accomplice, be induced by fear of the offenders, to quit the house after the attempt, or just before the breaking, entering, burning, or exploding in this chapter mentioned, the offense shall be deemed to be the same as if he had remained therein until the breaking, entering, burning, or exploding had took place.

§ 5. Burglary shall be punished by confinement in the penitentiary from three to twelve years.

§ 6. House-breaking is where a person, with intent to commit a felony, unlawfully breaks and enters the dwelling house of another or any fixed and permanent building of another, used at the time for the deposit or safe-keeping of any moveable property; or where, having so entered without breaking, the party, with like intent, breaks therein any door, wall, lid, lock, bolt, or other fastening.

It shall be punished by confinement in the penitentiary for not more than five years.

If done upon a dwelling house, any person other than an accomplice being therein, it shall be punished by like confinement for from two to eight years.

If accompanied by any felony committed in the dwelling or building, it shall be punished by like confinement for from two to ten years.

1. Pushing open a door or window, without injury to either, or the lifting a latch or turning the handle of a door, will not constitute a breaking, but there must be an actual breaking of the wall, door, shutter, or other outer defense or barrier against entery, or of a lock, bolt, or other fastening, or a picking of a lock, or opening it with a false key, or opening it from without by means of the key left in the lock on the inside.

2. It is a breaking, where entrance is obtained by the connivance or aid of a servant or other inmate not authorized to give admission.

Or, by means of violence, threats, or intimidation used towards any person.

Or, by, means of any fraud or trick;

Or, by pushing open an unfastened door or window of an upper story, not within reach of a man's hand from the ground, if there be no outer stairway or steps leading thereto.

3. The breaking may be at a different time from the entry.

§ 7. Whoever shall burglariously enter any dwelling house, or being therein, shall burglariously enter any inner part thereof, shall assault a person therein with intent to commit murder or rape, or shall cause any bodily harm to any such person, shall be confined in the penitentiary for from five to fifteen years.

ARTICLE II.

Arson, House-burning, &c.

§ 1. Arson is where a person willfully and maliciously sets fire to the dwelling house of another, any one being therein, with the intent to destroy the same, or with like intent, by the explosion of gun powder or other explosive substance, destroys, throws down, or damages the whole or any part of such house.

1. Some part of the house must be actually burnt by the fire or injured by the explosion.

2. It is sufficient if any part of the house be on fire, though it go out of itself.

3. Where part of a building only is occupied as a dwelling, the whole of such building is nevertheless a dwelling house, so far as it regards the crime of arson.

4. Setting fire to any combustible, or to any other building, with intent to burn, and which does burn the dwelling or any part thereof, is to "set fire" to the dwelling.

§ 2. Arson shall be punished by confinement in the penitentiary for from five to fifteen years.

§ 3. Whoever shall maliciously attempt to commit arson or burglary, shall be confined in the penitentiary not more than five years, or imprisoned not more than two years, or close imprisoned not more than six months; and a conviction may be had for either, respectively, under a charge of having committed the principal offense.

§ 4. Whoever shall willfully and maliciously set fire to, with intent to destroy, the state capitol, penitentiary, arsenal, land office, auditor's office, any court house, jail, clerk's office, church, cathedral, college, seminary, or the banking house of any incorporated bank, shall be deemed guilty of arson.

§ 5. Whoever maliciously sets fire to any house, building, structure, boat, or vessel of another, of the value, with its contents, of one hundred dollars, with intent to destroy the same, is guilty of arson in the second degree, and shall be confined in the penitentiary from two to seven years.

§ 6. Whoever shall willfully and maliciously set fire to a house, building, structure, boat, or vessel, of which he is the sole or part owner, with the intent thereby to injure or defraud another, shall be confined in the penitentiary not more than four years, or imprisoned not more than one year; and if thereby either of the things named in the last section, the property of another, be burnt in whole or in part, he shall incur the penalty of that section.

§ 7. Whoever shall maliciously set fire to, with intent to destroy the

property of another, any house, building, structure, boat, or vessel, not embraced by the previous sections of this chapter, or any pile or parcel of wood, timber, lumber, or coal, or raft, or any mine of coal, or cannel coal, or any fence, or any stack or parcel of hay, grain, grass, hemp, flax, or fodder, or any crop of grain, hay or grass, whether standing or down, or to any woods, shall be confined in the penitentiary not exceeding five years, or imprisoned not more than two years, or close imprisoned not more than six months.

§ 8. If any convict in the penitentiary shall maliciously set fire thereto, with intent to destroy the same, he shall suffer death.

§ 9. Malice is presumed in every willful burning of the property of another, but where a man burns his own property the malice must be proved.

§ 10. A wife cannot commit arson or burglary on the house of her husband, but shall be liable for burning his property, where he himself is herein made liable for burning the same.

CHAPTER XV.

FRAUDULENT APPROPRIATIONS.

ARTICLE I.

Larceny and Robbery.

§ 1. Larceny, theft, or stealing, is the wrongful taking, or obtaining possession of a moveable thing of value, for the benefit of the taker, obtainer, or another, and with the fraudulent intent to despoil the owner or person entitled to the possession of the thing.

1. It is a "wrongful" taking and obtaining possession whenever it is without the proper consent of the owner or person authorized to consent.

As, where temporary possession is yielded through fraud or deception; or an unreserved delivery or transfer is yielded, or made from intimidation; or the possession comes by accident or finding.

2. It is a "taking" where the party obtains such possession or control of the thing that he can, at his will, lift, carry, lead, drive or otherwise remove it to any distance however small.

As, lifting or moving the thing entirely from the space it occupied before. A partial lifting or moving of the thing is not such "taking."

3. The "taking or obtaining possession" may be in any manner or by any device, direct or indirect.

As, by enticing away a slave, or inducing an animal to follow or suffer itself to be driven. It may be also clandestine, by surprise, threats, or force.

4. The thing is of "value" though not of vendible value, if it be of utility to the owner, or its loss might subject him to the danger of damage, expense, or trouble.

As, any written evidence of right or acquittance, a book of accounts, a note or order payable to bearer but not delivered by the maker, a record or any material paper pertaining to a record, the half of a bank note or a material part of a deed or will, &c.

5. Any part of real estate that can be detached or removed is the subject of larceny, although not severed before a taking; so also is any domestic animal, though it be unmarked or astray, and any domesticated animal of the wild species, distinguishable as being so domesticated:

So also are animals of the wild species not usually domesticated when so under the control of the owner that may be taken at will, and are known to the taker to be, or distinguishable by him as being so under control.

As, deer in a park, birds or beasts in a cage, doves in a dove cot, fish in a close pond, &c.

6. The young, the products and the carcasses and all parts of the carcasses of animals wild or tame, are subjects of larceny in like manner, and under like circumstances as the animals themselves.

7. Derelict property is not, but wrecked and lost property and estrays are the subjects of larceny. The presumption is against dereliction.

8. The "owner or person entitled to the possession" must be some one other than the taker, but he need not be known, and where a bailee has the rightful possession of the "thing," the owner may commit larceny by feloniously taking it with intent to injure the bailee.

9. It is not an "intent to despoil the owner," where the thing is taken with the intent of temporarily using and then restoring it; nor where it is taken on the supposition or under the belief of the taker, that he has right thereto; nor where he makes at the time what he deems reasonable compensation; nor where he in good faith intends to make restitution or compensation.

But the making or offering a merely colorable and obviously inadequate compensation, will not prevent the taking from being larceny.

Nor will the voluntary restitution of the thing stolen, after the offense is complete, absolve the offender.

Where the case depends upon the intention of the taker to restore or make compensation, he must prove such intention.

10. The "intent" to steal must exist at the time of obtaining possession or control of the thing; where it does so exist, it is larceny, although the thing be obtained on a finding or other casualty.

11. The taking of a thing for the mere purpose of destroying, wasting or injuring it, without any view to the taker's own "benefit or that of another," is not larceny.

12. No conversion by one who has a lawful possession of the thing, distinct from that of the owner, is a sufficient "taking."

As carriers entrusted with goods to be carried, millers with corn to be ground, artificers or workmen with materials to be wrought, or things to be repaired on their own premises, hirers of goods, pawnees or others who by virtue of any bailment or of any express or implied consent or by authority of law, have a lawful possession of the thing, distinct from that of the owner, whether he has ever had actual possession, or not, and though the bailee breaks bulk.

13. But a conversion may be larceny, where made by a servant or clerk who has the custody or charge of property belonging to his master or employer, to be exercised on his premises or elsewhere under his superintendence or control; or where made by a guest, inmate, or other

person having the temporary use or control of the thing on the premises of the owner; or where made by any one, whom the owner permits to use or control the thing any where, for any purpose subject to his own continuing possession and control, but entrusts with no possession distinct from his own, and it is not material although the thing has never been received into actual possession by the owner, otherwise than by the possession of such clerk, servant, or other person.

As where money is paid or property delivered to the servant, &c., for the master.

§ 2. Every attempt to commit theft, shall be deemed to be larceny, if accompanied by overt acts sufficiently indicative of the intention.

As, putting the hand into or slitting a pocket, partly lifting or removing a piece of goods, pickiug or trying to pick or force a lock, trying to sever a thing attached to real estate, &c.

§ 3. When possession of the thing is obtained by means of intimidation, it may be larceny, notwithstanding the consent of the owner or other person authorized to consent, to part with the entire property in the thing.

§ 4. When possession of the thing is obtained by means of deception, it is not larceny where the owner or other person authorized to consent, consents to part with the entire property in such thing, whether to the wrong-doer or another.

§ 5. Whether the possession of the thing be obtained by means of intimidation or deception, it may be larceny, notwithstanding the consent of the owner or other person authorized to consent, to part with the temporary possession only of the thing, whether for a definite or indefinite time.

§ 6. The term "intimidation," as used in this chapter, means violence, or the threat of violence to the person or property of any other, or the accusing or threatening to accuse any person of any crime the penalty of which is corporal punishment by imprisonment or otherwise.

The terms "any other," and "any person," include not merely the owner of the thing, but any relative or servant of his.

§ 7. Husband and wife cannot steal the property of each other, but her consent shall not excuse the theft of his property by another.

§ 8. Where the thing is obtained by casualty or finding, its fraudulent conversion by the person so obtaining possession for his own benefit, shall be deemed to be larceny, if he knew, had reason to believe, or had obvious means of ascertaining who was the owner.

As, where one by mistake takes a letter at the post office, addressed to another, supposing it to be addressed to himself, containing money which he converts to his own use.

Or, where a shopkeeper sells an article accidentally left in his shop with intent to despoil the owner.

§ 9. One of several owners cannot commit larceny against a joint owner, unless the latter has a rightful, exclusive possession of the thing.

§ 10. Where the obtaining of the thing would otherwise amount to theft, it is larceny, notwithstanding the owner, knowing or believing it was about to be stolen, voluntarily suffers it to be taken, or facilitates its being taken, if he did not in any wise instigate the effort to take.

§ 11. The ownership of the thing stolen may charged in the indict-

ment to be in any one of several joint owners, in the bailor or bailee, lessor or lessee, or designated by the possession of any person, or as the property of a person unknown, or if the thing stolen be otherwise sufficiently identified, no particular ownership need be charged.

§ 12. Larceny of a thing of less value than five dollars, shall be punished by not exceeding thirty-nine stripes on the bare back, or imprisonment for not more than three months, or both.

§ 13. Larceny committed by a woman, of a thing of less value than five dollars, shall be punished by ten dollars fine, and imprisonment for not more than thirty days.

§ 14. Larceny of a thing of the value of five dollars or upwards shall be punished by confinement in the penitentiary for not more than six years, and larceny of a horse or mule, by like confinement for from four to eight years.

§ 15. Robbery shall be punished by confinement in the penitentiary from three to ten years.

§ 16. Robbery is the stealing of a thing from the person of another, or from his custody in his presence, by violence, or the threat of immediate violence to his person, or that of some relative, friend, or servant then present.

1. It is "violence to the person," whenever the least injury is done to the person, or the act of taking is accompanied by any degree of force, employed for the purpose of overcoming resistance thereto.

2. It is not such "violence," when the thing is snatched, or taken suddenly or unawares, without some actual injury to the person, or use of force to overcome resistance.

3. It is not essential that the "violence," by means of which the possession of the thing is obtained, should have been first used for that purpose, if the violence be unlawful, and possession be given, or suffered to be taken, to prevent the continuance of the violence.

4. "Threat of violence" is a menace, or other means calculated to excite apprehension of violence, though made under pretense of asking charity, or of making a purchase; and it is immaterial whether the threat be direct or indirect, or whether it be made by words, gestures, signs, or otherwise.

5. Apprehension of the threat must exist at the time when the possession is obtained.

6. If the thing be dropped or abandoned from fear of such violence, it is nevertheless robbery, although the thing was taken in the absence of the owner, or after his fear had ceased.

7. It is a sufficient taking in the presence of the owner, if it was begun in his presence.

8. When the party taking the thing by violence, or threat of violence, at the same time makes, or offers to make, in good faith, what he intends and believes to be a full compensation and fair indemnity to the owner, it is not robbery.

9. When the larceny is committed without violence, or the threat of violence, their use afterwards in preventing the owner from recovering the thing, or from making arrest, will not render the taking robbery.

§ 17. An assault with intent to rob, shall be punished by confinement in the penitentiary for not more than three years, or imprisonment for not more than one year, or by the penalty for larceny under five dollars.

§ 18. An attempt to commit larceny by means of intimidation, shall incur the same penalties as an assault with intent to rob.

§ 19. An assault with intent to rob, the offender being armed with any dangerous weapon or instrument, or accompanied by two or more aiders, shall be punished by confinement in the penitentiary from two to six years.

§ 20. Under an indictment for robbery, a conviction may be had for larceny, or any kind of assault with intent to rob; and under an indictment for larceny, a conviction may be had for embezzlement, obtaining property by false pretense, or receiving stolen property, or an attempt to steal.

§ 21. Any writing or material part thereof stolen, shall be deemed to be of the value of five dollars, unless the contrary appear or be proved.

ARTICLE II.

Embezzlement.

§ 1. Whoever having obtained the distinct possession or control of a moveable thing of value, under any trust or duty to return, deliver, or specifically apply the same, shall, in violation of such trust or duty, willfully misapply, misappropriate, conceal, or otherwise wrongfully dispose of such thing, or any part thereof, with intent to defraud the owner, for the benefit of the wrong-doer or another, shall be deemed to be guilty of embezzlement.

1. Any right to the "distinct possession," need not continue to exist at the time of wrongfully disposing of the thing.

2. Husband and wife may be guilty of embezzling a thing which he or she knows to have been so entrusted to the other.

3. No distinct act of taking, whereby to divest or violate the possession of the owner, is requisite.

4. A "wrongful disposing," with the intention, in good faith, and with good grounds to expect thereafter to make restoration, compensation, or indemnity, is not embezzlement.

§ 2. It shall not avail by way of defense to a charge of embezzlement, that the act done amounts to larceny.

§ 3. Embezzlement shall be punished in the same manner in all respects as larceny, or by imprisonment for not more than two years, or close imprisonment for not more than six months.

§ 4. Embezzlement by a person under sixteen years of age, or larceny by a clerk, apprentice, or servant under that age, from the master, shall not be punished otherwise than by imprisonment, and for not more than six months.

ARTICLE III.

Obtaining by False Pretense.

§ 1. Whoever shall, by any false pretense, obtain the possession or control of a moveable thing of value, by consent of the owner or person authorized to consent, with intent fraudulently to despoil the owner thereof, for the benefit of the obtainer or another, shall be deemed guilty of obtaining property by false pretense.

1. Consent to part with the temperary possession of the thing, is not within this section.

2. A "false pretense" is a false representation of some state of things, past or present.

As, obtaining money or other thing under a false statement of having been sent for it by a neighbor or friend.

Or, the obtaining possession under a false pretext of intending to purchase the thing.

3. It is not essential that the "false pretense" be made in express terms: it is sufficient it be made impliedly by the words, act, or conduct of the offender, the same being adapted to create the impression which, if made by express words, would constitute a false pretense.

4. It is an "obtaining" by "false pretense," although the thing was obtained only partly upon the credit given to such false pretense.

5. A mere false promise, which the promiser does not mean to keep, is not such "false pretense."

As, a promise to pay for a thing bought, the party knowing his inability to pay. But the fraudulent getting the thing into possession under the pretense of immediate payment, there being no intention so to pay, is such "false pretense."

6. Nor is a false representation of the solvency or sufficiency of the buyer, or another, or of the value of a thing given in exchange, or any representation as to the value or qualities of property, such "false pretense."

7. The false personation of another is such "false pretense."

As, when a person falsely and deceitfully represents himself to be some other person, or assumes so to be, whether such other be living or not, or where he falsely and deceitfully represents himself to possess any office, official character, or station, or any authority of a public or private nature, or to stand, or have stood in any degree of kindred or relationship to another.

§ 2. The obtaining property by false pretense, shall be punished in the same manner in all respects as larceny.

ARTICLE IV.

Receiving Property Stolen, Embezzled, &c.

§ 1. Whoever shall willfully and knowingly have in his possession or custody, any stolen or embezzled thing, or thing obtained on false pretense, or any part of such thing, shall be deemed a receiver of stolen property, and be punished in the same manner in all respects as if he had stolen the same.

§ 2. It shall be no defense to a charge under the last section, that the person charged stole, embezzled, or obtained the thing by false pretense.

ARTICLE V.

Cheating and other Frauds.

§ 1. Whoever by means of any false seal, signature, stamp, impression, or mark deceptively used in order to obtain undue credit as a certificate, warrant, or test of the truth of the contents of any writing, or of the genuineness, quality, or quantity of any thing, or by means of any false weight, measure, or instrument, or thing deceptively used, or by means of any false personation, shall, in any sale, contract, or other

dealing or transaction, defraud, or endeavor to defraud another, shall be deemed guilty of cheating, and imprisoned not more than one year, or fined not more than a thousand dollars.

§ 2. Whoever shall, by any unlawful violence to, or restraint of, or threat of violence to, or restraint of, the person of another, or by accusing, or threatening to accuse, any person of a felony, compel or induce any person to execute, make, alter, or destroy the whole or material part of any written evidence of right or demand, or against liability, with intent to defraud or injure any person, shall be confined in the penitentiary not more than three years, or imprisoned not more than one year, or fined not more than a thousand dollars, or both so fined and imprisoned.

§ 3. Whoever shall publish, or threaten to publish, any libel upon another, or shall threaten to print or publish, or propose to abstain from printing or publishing, any matter or thing touching any other person, with intent to extort any thing of value from any person, shall be imprisoned not more than three months, or fined not more than two hundred dollars, or both.

CHAPTER XVI.

MALICIOUS INJURIES TO PROPERTY.

§ 1. Whoever shall maliciously cast away, or destroy any boat or vessel, of the value with its contents of two hundred dollars, with intent to injure thereby any owner or part owner thereof, or of any goods on board the same, or any insurer of such boat, vessel, or goods, shall be confined in the penitentiary not more than six years, or imprisoned not more than two years.

§ 2. Whoever shall damage any such boat or vessel of another, otherwise than by fire, with intent to destroy the same, or to render the same useless, shall be confined in the penitentiary not more than four years, or imprisoned not more than one year.

§ 3. Whoever shall maliciously place or throw in, into or upon, against or near any building or vessel, any gunpowder or other explosive substance, with intent to destroy or damage such building or vessel, or any machinery, fixtures or chattel personal, shall, whether or not any explosion take place, or whether any damage or not is effected thereby, be confined in the penitentiary not more than three years, or imprisoned not more than one year.

§ 4. Whoever shall maliciously pull down, or in any way destroy any public bridge, or do any injury thereto, with intent and so as thereby to render such bridge or any part thereof impassible or dangerous:

Or, maliciously break down or destroy the dam of any mill-pond:

Or, maliciously poison or otherwise kill any cattle, or harm any cattle, so as to render the same useless to the owner:

Or, maliciously stop the passage of salt water conducted through pipes, from any spring or well, to the cistern or furnace where salt is made, or break or destroy any such pipe, or fill up or otherwise destroy any such well:

Or, maliciously pull down, destroy, or materially injure the building of

another, of the value or amount of one hundred dollars, whether private or public:

Or, maliciously cut down, destroy, break in pieces, remove, conceal, efface, or obliterate any corner tree, stone, monument, or other durable object, used and serving for a land mark, or evidence of boundary or division of land:

Or, maliciously make any pitfall, hole, or obstruction in any high way, so as to render it dangerous to travellers or persons passing over the same:

Every such person shall be confined in the penitentiary not more than five years, or imprisoned not more than two years, or fined not more than a thousand dollars, or both so fined and imprisoned.

§ 5. Whoever shall willfully and maliciously destroy or materially injure any property of another, real or personal, or the written evidence of any right or claim, or against liability belonging to another, not in this or some other act otherwise provided for, shall be imprisoned not more than one year, or fined not more than a thousand dollars, or both.

§ 6. An act done in the fair exercise, assertion, or maintenance or vindication in good faith, of a supposed legal right, where there is real or apparent ground for supposing such right to exist, and the same is not used as a mere cloak, pretense, or occasion for a malicious injury, is not punishable as a malicious injury.

§ 7. A mischief or injury that is trivial in its consequences, without appreciable damage or inconvenience to another, and not accompanied with an insulting outrage of private right, is not punishable within the provisions of this chapter.

§ 8. Whoever shall willfully and fraudulently alter, or deface any of the marks or brands of any cattle, shall be imprisoned not more than six months, and fined not more than two hundred dollars.

§ 9. Whoever shall kill, take, destroy, or sicken, or attempt to kill, take, destroy, or sicken any fish in any river or creek, or in the pond of another, by throwing or placing therein any drug, berry, preparation, or thing, of a sickening or destroying quality, shall be fined ten dollars.

§ 10. Whoever shall haul a seine or stretch a set net, for the purpose of catching fish in the Kentucky or Green river, below either of the locks therein, and within seven miles of the lock, shall be fined twenty dollars.

§ 11. The commander of a steam boat, who shall take wood from a woodyard, without the consent of the owner, and without making compensation therefor, and with the intent fraudulently to deprive the owner thereof, shall be fined one hundred dollars.

§ 12. Whoever shall unlawfully cut down any tree or trees, or quarry rock on the land of another, shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both.

CHAPTER XVII.

VAGRANTS.

§ 1. The following described persons shall be deemed to be vagrants:

1. Every able bodied person loitering or rambling about, not having

the means of maintenance, and who doth not betake himself to labor, or some honest pursuit to procure a livelihood; or who leaves wife or child without means of maintenance, whereby either becomes a charge on the county.

2. Beggars, street walking prostitutes, jugglers, fortune tellers.

3. Gamesters who, having no honest calling, support themselves for the most part by gaming, and the owners, keepers, or exhibitors of gaming tables, or those who by any means entice bettors at any game where the chances are not alike favorable to the bettor and banker, or person by whom the game is managed.

4. Any person wandering about and lodging in a barn, or out-house, or unoccupied building, or in the open air, not having visible means of subsistence, and not giving a good account of himself.

5. Any person having any pick-lock key, crow, jack, bit, or other implement commonly used, and with intent to use in house breaking.

6. Idle runaway apprentices.

§ 2. Every vagrant shall be apprehended, and upon his failure to give good surety in the penalty of one hundred dollars for his good behaviour for twelve months, and for his appearance at the next circuit court of the county, to answer any indictment which may be brought against him, shall be imprisoned for not more than three months, if he do not sooner give such surety.

§ 3. Any person convicted of being a vagrant, shall, if a minor, be bound out, or if of full age, be sold to the highest bidder for any period, to be determined by the verdict, not exceeding one year.

CHAPTER XVIII.

WITNESSES, &c.

§ 1. In no prosecution, other than for perjury, shall any statement made by a witness whilst under legal examination as such, be used against him, directly or indirectly, nor shall he be prosecuted for any offense, the proof to maintain which would not probably have been obtained against him, but for the statements so made by him as a witness.

§ 2. In prosecutions for forgery, uttering a forgery, or for being possessed thereof, with intent to utter, the testimony of a party whose name is alleged to be forged, may be dispensed with, if he reside out of the state, or at a greater distance than forty miles from the place of trial; and in lieu thereof, the testimony of any one well acquainted with the writing of such party, may be allowed to prove the forgery.

§ 3. If in any proceeding in a court of justice, in which perjury shall be reasonably presumed to have been committed, any paper, book, or document, shall have been produced, which is necessary on a prosecution for such perjury, the court may detain the same, so long as necessary for the purpose of such prosecution.

CHAPTER XIX.

REPEALS, &c.

§ 1. This act shall take effect on the first day of May, 1852.

§ 2. All penal statutes of England and Virginia, heretofore in force in this state, and all penal statutes of this state, so far as the latter may be inconsistent with this act, shall be considered as repealed when this act takes effect.

But no suit or prosecution then pending, or the right to sue, or prosecute, for any offense committed before the repeal takes effect, shall in any way be thereby affected; but such suits and prosecutions shall proceed, and such offense punished as if this repeal had not been made.

§ 3. All laws, other than the statutes of this state, which make any forfeiture, all laws giving the benefit of clergy, or approvers to any one bond or free, or an appeal of felony, and all laws for the punishment of witchcraft, or false, or pretended prophecies, are repealed.

Mr. Saunders moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Saunders and Rouse, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Richard C. Graves,	Camden Riley,
Camden M. Ballard,	James W. Hays,	Nathaniel P. Saunders,
John P. Bruce,	James W. Irwin,	Berry Smith,
Wm. C. Bullock,	Daniel Morgan,	William Sterett,
Joshua Buster,	Robert A. Patterson,	Thomas I. Young—16.
Abijah Gilbert,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John C. Kouns,	John W. Ritter,
Walter Chiles,	John W. Leathers,	Thomas Rouse,
Sam. Daviess Delany,	Thomas P. Linthicum,	Robert S. Russell,
John Eaker,	Fitch Munger,	Thomas J. Smith,
Alfred Johnston,	Hamilton Pope,	Caleb B. Wallace—15.

The amendments proposed by the Senate, to a bill from the House of Representatives, entitled, an act to incorporate the Deposit Bank of Paris, Bourbon county, were taken up.

Resolved, That the Senate recede from their amendments to said bill.

An engrossed bill, entitled, an act for the benefit of School District, No. 4, in Christian county, was read a third time.

And the question being taken on the passage of said bill, it was decided in the negative; so the said bill was rejected.

An engrossed bill, entitled, an act for the benefit of certain school districts in the counties of Knox and Whitley, was read a third time.

Ordered, That said bill be referred to the committee on Education.

The resolution authorizing a *pro rata* distribution of the School Fund, read and laid on the table by Mr. Eaker, on the 27th of January, came up in the orders of the day.

Ordered, That said resolution be laid on the table.

A bill further to provide for the collection of tolls on Kentucky, Green, and Barren rivers, came up in the orders of the day, and was amended.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to incorporate the Columbus Masonic Seminary, in Hickman county, came up in the orders of the day.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act authorizing elections of officers of the Glasgow and Scottsville Turnpike Road, came up in the orders of the day, and was amended.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to authorize the County Court of Shelby to subscribe stock in roads, came up in the orders of the day.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be amended, to read, "an act to incorporate the Shelby Railroad Company."

The resolution fixing a day for the final adjournment of the General Assembly, read and laid on the table by Mr. Bruce, on the 20th of January, was taken up.

Mr. Irwin moved to postpone the further consideration thereof for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Bruce and Young, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Robert S. Russell,
Camden M. Ballard,	Alfred Johnston,	Berry Smith,
William C. Bullock,	John W. Leathers,	William Sterret,
Walter Chiles,	Fitch Munger,	Caleb B. Wallace—14.
John Eaker,	Hamilton Pope,	

Those who voted in the negative, were

Hall Anderson,	Thomas P. Linthicum,	Thomas Rouse,
John P. Bruce,	Robert A. Patterson,	Nathaniel P. Saunders,
Abijah Gilbert,	Camden Riley,	Thomas J. Smith,
James W. Hays,	John W. Ritter,	Thomas I. Young—13.
John C. Kouns,		

And then the Senate adjourned.

TUESDAY, FEBRUARY 25, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled,

An act to establish a Code of Practice in civil cases in the Courts of this Commonwealth.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order for Friday, the 28th inst., at half past 9 o'clock.

A bill from the House of Representatives, entitled, an act to amend an act to incorporate the town of Lancaster, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the committee on the Judiciary.

Mr. Irwin moved the following resolutions, viz:

Resolved, That the Senate has heard with profound regret of the death of JOHN F. TODD, Esq., a member of the House of Representatives from the county of Logan, who died at his lodgings at the Weisiger House, at half past 1 o'clock this morning.

Resolved, That as a mark of respect to the memory of the deceased, that the officers and members of the Senate wear the usual badge of mourning for thirty days.

Resolved, That the Speaker be, and he is hereby directed to forward a copy of the foregoing resolutions to Mrs. Todd, assuring her of our sympathy, and condoling with her upon her sad bereavement.

Resolved, That a committee of six, on the part of the Senate, be appointed to act in conjunction with the committee of the House of Representatives, to make suitable arrangements for the funeral of the deceased.

Which were unanimously adopted.

Whereupon, Messrs. Irwin, T. J. Smith, Leathers, Hays, Sterett, and Bruce, were appointed the committee in pursuance of said resolution.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 26, 1851.

1. Mr. Rouse presented the petition of sundry citizens of Carroll county, praying the passage of a law to surrender the State road, which lies in Carroll and Gallatin counties, to the County Courts of their respective counties.

2. Mr. Pope presented the remonstrance of sundry citizens against the passage of a law branching the Oakland Plank Road.

Which petition and remonstrance were received, the readings dispensed with, and referred to the committee on Internal Improvement.

The Speaker presented the resignation of Nimrod Routt, Senator from the 29th district, which is as follows, viz:

Bracken County, Kentucky,
February 23, 1851.

To the Hon. Ben. Edwards Grey,
Speaker of the Senate:

Dear Sir: On last Thursday morning, at Cincinnati, on my way to Frankfort, I got so seriously injured on my head and shoulders by the fall of some timbers, that it becomes my duty to send you this my resignation of the office of Senator for the 29th Senatorial District, composed of the counties of Bracken and Harrison.

Very respectfully,
Your friend,
NIMROD ROUTT.

Mr. Delany, from the committee on Banks, to whom was referred a bill to amend the charter of the Southern Bank of Kentucky, reported the same without amendment.

Mr. Speaker (Grey,) with the consent of the Senate, moved an amendment, as a substitute for said bill.

Ordered, That said bill and amendment be made the special order, in committee of the whole, for Saturday, the 1st of March, at 9 o'clock; and that the Public Printer print 150 copies of said amendment for the use of the General Assembly.

Mr. Pope, from the committee on the Judiciary, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act authorizing the sale of certain streets and an alley in the town of Russellville.

An act to incorporate the town of Mountsterling.

Reported the same, with an amendment to the last named bill, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, (the last as amended,) and that the titles thereof be as aforesaid.

Mr. Morgan, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act extending the limits of the town of Shelbyville.

An act to change a part of the State road from Canton to Hickman.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Hays, from the committee on the Judiciary—A bill concerning the Magistrates' and Constables' districts in Christian county.

By Mr. Pope, from the same committee—A bill to change the place of voting in an election precinct in Jefferson county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act authorizing Christian county to be divided into nine districts, for the election of Justices of the Peace and Constables, with amendments.

Which amendments were taken up, twice read, and concurred in.

Leave was given to bring in the following bills, viz:

On motion of Mr. Rouse—1. A bill to charter the Burlington and Florence Turnpike Road Company.

On motion of Mr. Leathers—2. A bill to amend the charter of the city of Covington.

On motion of Mr. Pope—3. A bill to change the place of voting, in Jefferson county, from the house of Daniel Gilman to the tavern house of David Gregory.

On motion of Mr. Bruce—4. A bill for the benefit of John Goodin, of Knox county.

On motion of Mr. Linthicum—5. A bill for the benefit of Charles C. Kelly, of Washington county.

On motion of Mr. Bullock—6. A bill to incorporate the Capital Hotel Company.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d, 3d, and 5th; the committee on Agriculture and Manufactures the 4th; and Messrs. Bullock, Pope, and Munger, were appointed a committee to prepare and bring in the 6th.

The Senate resolved itself into a committee of the whole, Mr. Eaker in the Chair, on the bill from the House of Representatives, entitled, an act to apportion representation; and after some time spent therein, the Speaker resumed the Chair, when Mr. Eaker reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the same to the Senate without amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the representation for the house of representatives shall be appointed among the several counties of the commonwealth in the following manner, viz:

To the first district, ten representatives, as follows: to the county of Graves one, Caldwell one, Hopkins one, Trigg one, Union one, Calloway one, Crittenden one, Livingston and Marshall one, Fulton and Hickman one, McCracken and Ballard one.

To the second district, ten representatives, as follows: to the county of Muhlenburg one, Henderson one, Ohio one, Breckinridge one, Meade

one, Grayson one, Hancock one, Butler and Edmonson one, Daviess one, Christian one.

To the third district, nine representatives, as follows: to the county of Todd one, Logan one, Simpson one, Warren one, Allen one, Monroe one, Barren two, Hart one.

To the fourth district, nine representatives, as follows: to the county of Adair one, Green one, Wayne one, Pulaski one, Boyle one, Lincoln one, Cumberland and Clinton one, Casey and Russell one, Taylor one.

To the fifth district, ten representatives, as follows: to the county of Hardin two, Larue one, Bullitt one, Spencer one, Nelson one, Washington one, Marion one, Mercer one, Anderson one.

To the sixth district, ten representatives, as follows: to the county of Madison two, Garrard one, Whitley one, Knox and Harlan one, Laurel and Rockcastle one, Letcher, Pike, and Perry one, Clay and Owsley one, Floyd and Johnson one, Estill one.

To the seventh district, eleven representatives, as follows: to the city of Louisville four, thus—to the first and second wards one, to the third and fourth wards one, to the fifth and sixth wards one, to the seventh and eighth wards one—to the county of Jefferson two, Shelby two, Henry one, Oldham one, Trimble and Carroll one.

To the eighth district, eight representatives, as follows: to the county of Fayette two, Bourbon one, Scott one, Owen one, Franklin one, Woodford one, Jessamine one.

To the ninth district, ten representatives, as follows: to the county of Clark one, Montgomery one, Bath one, Greenup one, Lewis one, Carter one, Lawrence one, Fleming two, Morgan and Breathitt one.

To the tenth district, thirteen representatives, as follows: to the county of Mason two, Bracken one, Nicholas one, Harrison two, Pendleton one, Campbell one, Kenton two, Boone one, Gallatin one, Grant one.

§ 2. That for the purpose of apportioning the representation in the senate, the state is hereby laid off into thirty-eight senatorial districts, as follows, viz: the counties of Hickman, Ballard, Graves, and Fulton, shall compose the first senatorial district; Union, Hopkins, and Crittenden, the second; Christian and Todd, the third; Logan, Simpson, and Butler, the fourth; Daviess and Henderson, the fifth; Warren, Allen, and Edmonson, the sixth; Barren and Monroe, the seventh; Green, Hart, and Taylor, the eighth; Clinton, Cumberland, Wayne, and Russell, the ninth; Casey, Adair, and Boyle, the tenth; Livingston, Caldwell, and McCracken, the eleventh; Breckinridge, Grayson, and Hancock, the twelfth; Ohio and Muhlenbnrg, the thirteenth; Hardin and Meade, the fourteenth; Jefferson county, two senators, thus—the first, second, third, fourth, fifth, and sixth wards of the city of Louisville, one, the fifteenth; the seventh and eighth wards of said city and the residue of said county, one, the sixteenth; Trimble, Oldham, and Henry, the seventeenth; Shelby and Spencer, the eighteenth; Nelson, Larue, and Bullitt, the nineteenth; Marion and Washington, the twentieth; Mercer and Anderson, the twenty-first; Calloway, Trigg, and Marshall, the twenty-second; Lincoln and Pulaski, the twenty-third; Madison and Garrard, the twenty-fourth; Laurel, Whitley, Knox, and Rockcastle, the twenty-fifth; Gallatin, Carroll, and Boone, the twenty-sixth; Kenton and Campbell, the twenty-seventh; Bourbon and Bath, the twenty-eighth; Grant, Pendleton, and Owen, the

twenty-ninth; Harrison and Bracken, the thirtieth; Fayette and Scott, the thirty-first; Woodford, Jessamine, and Franklin, the thirty-second; Clarke, Montgomery, and Estill, the thirty-third; Carter, Greenup, and Lawrence, the thirty-fourth; Fleming and Nicholas, the thirty-fifth; Mason and Lewis, the thirty-sixth; Floyd, Morgan, Johnson, and Pike, the thirty-seventh; and Clay, Harlan, Owsley, Letcher, Perry, and Breathitt, the thirty-eighth.

§ 3. That in order to ascertain the state of the polls, where two or more counties compose a senatorial district, or two or more counties are joined to elect a representative, the sheriffs of such counties shall meet at the court house of the county first named, to compare the polls, on the first Monday next after the commencement of the election; and after having ascertained, by faithful comparison and addition, the number of their respective polls, shall make return of the persons elected, in the manner prescribed by law: *Provided*, that when a writ of election shall be issued by the governor, or either branch of the legislature, an earlier day may be ordered in such writ for comparing the polls, if it should be deemed expedient.

§ 4. That if any new county shall be established before the next enumeration and apportionment of representation, it shall be considered as part or parts of the county or counties from which it was taken, for the purpose of representation.

Mr. Eaker moved to amend said bill, in the first section and second district, to read; "Ohio and Hancock one, Christian two."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Thomas Rouse,
John Eaker,	Alfred Johnston,	James M. Shepard—6.

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Hamilton Pope,
Camden M. Ballard,	James W. Irwin,	Camden Riley,
John P. Bruce,	John C. Kouns,	John W. Ritter,
William C. Bullock,	John W. Leathers,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	Berry Smith,
Sam. Daviess Delany,	William N. Marshall,	Thomas J. Smith,
Abijah Gilbert,	Daniel Morgan,	William Sterett,
Richard C. Graves,	Fitch Munger,	Caleb B. Wallace,
James W. Hays,	Robert A. Patterson,	Thomas I. Young—30.

And then the Senate adjourned.

THURSDAY, FEBRUARY 27, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled,

An act to authorize the several Circuit Courts to change the venue in penal and criminal prosecutions.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with.

Ordered, That said bill be made the special order for Monday, the 3d of March, at 10 o'clock.

1. Mr. Linthicum presented the petition of John Crume, of Nelson county, praying the passage of a law authorizing him to erect a mill dam across the Beach fork.

2. Mr. Sterett presented the petition of sundry citizens of Hancock county, praying the passage of a law giving to the mechanics and laborers of said county a lien on buildings, &c.

3. Mr. Patterson presented the petition of sundry citizens of the town of Eddyville, praying the passage of a law to enlarge the boundaries of said town, and to extend the jurisdistion of the Board of Trustees.

4. Mr. B. Smith presented the petition of sundry citizens of the town of Crab Orchard, praying the passage of a law to reduce the limits of said town.

5. Mr. Wallace presented the petition of sundry citizens of Boyle county, praying the passage of a law to make retailers of intoxicating drinks responsible for any injury sustained by other members of the community in consequence of such retail.

6. Mr. Riley presented the petition of sundry citizens of Daviess county, praying the passage of a law to relieve non-slaveholders from sustaining the institution of slavery.

7. Mr. Speaker (Grey) presented the proceedings of a meeting of the citizens of Christian county, requesting the passage of a law authorizing a vote to be taken in said county upon the propriety of raising, by taxation, $300,000, for the Nashville and Henderson Railroad.

Which petitions were received, the reading dispensed with, and referred—the 1st and 7th to the committee on Internal Improvement; the 2d, 3d, 4th, and 5th to the committee on the Judiciary, and the 6th to the committee on Propositions and Grievances.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act providing for an election to be held for the location of the county seat of Owsley county, reported the same without amendment, with an expression of opinion that it ought *not* to pass.

Ordered, That the further consideration of said bill be postponed, and made the special order for Friday, the 28th instant, at 10 o'clock.

Mr. Young, from the committee on Privileges and Elections, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to change the place of voting in the 4th district, in Cumberland county.

An act in relation to Justices' and Constables' districts in Fleming county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate a Turnpike road from Germantown to Gault's Mill, on the North fork, in Mason county.

An act to amend the charter of the Maysville, Orangeburg, and Mount Carmel Turnpike road.

An act to amend an act to revive and amend an act to incorporate the Stanford and Lancaster Turnpike Road Company, approved March 7, 1850.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wallace, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the University of Paducah, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Irwin, from the committee on Internal Improvement—A bill for the benefit of the Danville and Hustonville Turnpike Road Company.

By Mr. Shepard, from a select committee—A bill allowing an additional Magistrates' and Constables' District in Scott county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the erection of a monument to the memory of Col. Richard M. Johnson, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said bill be referred to the committee on Military Affairs.

Mr. Chiles, from the same committee, to whom was referred the petition of John Alexander, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That the said petition be referred to the committee on the Judiciary.

Mr. Delany, from the committee on Banks, reported a bill to incorporate the Newport Safety Fund Bank of Kentucky, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order for Tuesday, the 4th of March, at 10 o'clock, and that the Public Printer print 150 copies thereof, for the use of the General Assembly.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act in relation to the city of Newport.

An act authorizing Christian county to be divided into not less than seven, nor more than eleven districts, for the election of Justices of the Peace and Constables.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Irwin—1. A bill to authorize Logan county to raise three hundred and fifty thousand dollars for railroad purposes.

On motion of Mr. Ballard—2. A bill to incorporate the Baptist Church, in the town of Bedford, Trimble county.

On motion of Mr. Shepard—3. A bill to allow an additional Magistrates' and Constables' district in Scott county.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d; and Messrs. Shepard, Wallace, and Magoffin, were appointed a committee to prepare and bring in the 3d.

Mr. Pope moved the following resolution, viz:

Resolved, That hereafter, the Senate will meet at 9 o'clock, A. M., and set until 3 o'clock, P. M., and then adjourn.

Mr. Linthicum moved to lay said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Linthicum and Irwin, were as follows, viz:

Those who voted in the affirmative, were—

James W. Hays,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Elihu Hogan,	John W. Ritter,	William Sterett,
Overton P. Hogan,	Thomas Rouse,	Thomas I. Young—10.
John W. Leathers,		

Those who voted in the negative, were—

Mr. Speaker, (Grey,)	Richard C. Graves,	Robert A. Patterson,
Hall Anderson,	James W. Irwin,	Hamilton Pope,
Camden M. Ballard,	Alfred Johnston,	Camden Riley,
John P. Bruce,	John C. Kouns,	Robert S. Russell,
William C. Bullock,	Beriah Magoffin,	James M. Shepard,
Joshua Buster,	William N. Marshall,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith,
John Eaker,	Fitch Munger,	Caleb B. Wallace—24.

The question was then taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ritter and Leathers, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Robert A. Patterson,
Hall Anderson,	Alfred Johnston,	Hamilton Pope,
Camden M. Ballard,	John C. Kouns,	Camden Riley,
John P. Bruce,	Beriah Magoffin,	Robert S. Russell,
Wm. C. Bullock,	William N. Marshall,	James M. Shepard,
Joshua Buster,	Daniel Morgan,	Thos. J. Smith,
John Eaker,	Fitch Munger,	Caleb B. Wallace—22.
Richard C. Graves,		

Those who voted in the negative, were

Walter Chiles,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	Berry Smith,
James W. Hays,	John W. Ritter,	William Sterett,
Elihu Hogan,	Thomas Rouse,	Thomas I. Young—13.
Overton P. Hogan,		

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to change the boundary lines of the town of Harrodsburg, were taken up, twice read, and concurred in.

Mr. Wallace, from the committee on Education, reported a bill to repeal so much of an act, approved March 10, 1845, as requires the Superintendent of Public Instruction to keep his office in the city of Frankfort, or within sixty miles thereof, which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, approved March 10, 1850, as requires the Superintendent of Public Instruction to keep his office in the city of Frankfort, or within sixty miles thereof, be and the same is hereby repealed.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading of said bill was dispensed with.

And after some discussion thereon, the hour for the orders of the day arrived.

Mr. O. P. Hogan moved to dispense with the orders of the day for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Robert A. Patterson,
John P. Bruce,	John C. Kouns,	Hamilton Pope,
William C. Bullock,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,
Sam. Daviess Delany,	William N. Marshall,	Berry Smith,
John Eaker,	Daniel Morgan,	Thomas J. Smith,
Richard C. Graves,	Fitch Munger,	Caleb B. Wallace—25.
Elihu Hogan,		

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	William Sterett,
James W. Hays,	John W. Ritter,	Thomas I. Young—8.
James W. Irwin,	Robert S. Russell,	

Mr. Leathers moved to amend said bill, by adding thereto the following proviso, viz:

Provided, however, That said Superintendent shall be required to keep his office at the seat of Government.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Leathers, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Elihu Hogan,	Robert A. Patterson,
John P. Bruce,	Overton P. Hogan,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Robert S. Russell,
Walter Chiles,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	James M. Shepard,
John Eaker,	Beriah Magoffin,	Berry Smith—19.
Richard C. Graves,		

Those who voted in the negative, were

Hall Anderson,	William N. Marshall,	Thomas J. Smith,
Joshua Buster,	Daniel Morgan,	William Sterett,
James W. Hays,	Fitch Munger,	Caleb B. Wallace,
James W. Irwin,	Hamilton Pope,	Thomas I. Young—14.
Alfred Johnston,	John W. Ritter,	

Mr. Irwin moved to amend said bill, by adding thereto the following proviso, viz:

Provided further, That if the Superintendent shall keep an office at the seat of Government during the session of the Legislature, it shall be regarded as a compliance with the provisions of this act.

Mr. Magoffin moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Eaker and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Beriah Magoffin,	Thomas J. Smith,
James W. Hays,	Fitch Munger,	William Sterett,
James W. Irwin,	Hamilton Pope,	Thomas I. Young—11.
Alfred Johnston,	John W. Ritter,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Robert A. Patterson,
John P. Bruce,	Overton P. Hogan,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Robert S. Russell,

Walter Chiles, John W. Leathers, Nathaniel P. Saunders,
Sam. Daviess Delany, Thomas P. Linthicum, James M. Shepard,
John Eaker, William N. Marshall, Berry Smith,
Richard C. Graves, Daniel Morgan, Caleb B. Wallace—21.

The question was then taken on the adoption of the amendment moved by Mr. Irwin, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Irwin and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Beriah Magoffin, John W. Ritter,
Hall Anderson, William N. Marshall, Thomas J. Smith,
James W. Hays, Daniel Morgan, William Sterett,
James W. Irwin, Hamilton Pope, Caleb B. Wallace,
Alfred Johnston, Camden Riley, Thomas I. Young—15.

Those who voted in the negative, were

Camden M. Ballard, Richard C. Graves, Fitch Munger,
John P. Bruce, Elihu Hogan, Robert A. Patterson,
William C. Bullock, Overton P. Hogan, Thomas Rouse,
Walter Chiles, John C. Kouns, Nathaniel P. Saunders,
Sam. Daviess Delany, John W. Leathers, James M. Shepard,
John Eaker, Thomas P. Linthicum, Berry Smith—18.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Richard C. Graves, Daniel Morgan,
Camden M. Ballard, Elihu Hogan, Robert A. Patterson,
John P. Bruce, Overton P. Hogan, Thomas Rouse,
Wm. C. Bullock, John C. Kouns, Nathaniel P. Saunders,
Walter Chiles, John W. Leathers, James M. Shepard,
Sam. Daviess Delany, Thomas P. Linthicum, Berry Smith—19.
John Eaker,

Those who voted in the negative, were

Hall Anderson, William N. Marshall, Thomas J. Smith,
James W. Hays, Fitch Munger, William Sterett,
James W. Irwin, Hamilton Pope, Caleb B. Wallace,
Alfred Johnston, Camden Riley, Thomas I. Young—14.
Beriah Magoffin, John W. Ritter,

Resolved, That the title of said bill be amended, to read, "an act requiring the Superintendent of Public Instruction to keep his office at the seat of Government.

The Senate resumed the consideration of the bill from the House of Representatives, entitled, an act to apportion representation.

Mr. Rouse moved to amend said bill, in the first section and seventh district, to read, "Shelby one, Trimble one, and Carroll one."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rouse and Sterrett, were as follows viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Thomas Rouse,
Camden M. Ballard,	John C. Kouns,	Nathaniel P. Saunders,
John P. Bruce,	John W. Leathers,	Thomas J. Smith,
John Eaker,	Beriah Magoffin,	Thomas I. Young—14.
Overton P. Hogan,	William N. Marshall,	

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
Wlliam C. Bullock,	James W. Irwin,	John W. Ritter,
Joshua Buster,	Thomas P. Linthicum,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
Sam. Daviess Delany,	Fitch Munger,	Berry Smith,
Richard C. Graves,	Robert A. Patterson,	William Sterett,
James W. Hays,	Hamilton Pope,	Caleb B. Wallace—21.

And then the Senate adjourned.

FRIDAY, FEBRUARY 28, 1851.

A message was received from the House of Representatives, announcing that they recede from their amendment, proposed to a bill from the Senate, entitled,

An act to provide for the payment of the interest of the School Fund.

That they had passed a bill from the Senate, entitled, an act to regulate the election laws, with amendments.

1. Mr. O. P. Hogan presented the petition of D. Woodruff, praying the passage of a law authorizing him to collect certain fees due him as a Justice of the Peace.

2. Mr. O. P. Hogan presented the petition of Henry Coffman, praying the passage of a law authorizing him to collect certain fees due him as a Justice of the Peace.

Which petitions were received, the readings dispensed with, and referred to the committee on the Judiciary.

Leave was granted to Mr. Hays to withdraw the papers on file in relation to the formation of the county of Barbour.

Mr. Irwin, from the committee on Agriculture and Manufactures, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate the Western Coal and Manufacturing Company.

An act to incorporate Hancock Mining Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Graves, from the committee on Agriculture and Manufactures—A bill for the benefit of John Goodin.

By Mr. Delany, from the committee on Banks—A bill to incorporate the Deposit Bank of Maysville.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate then took up for consideration the motion made by Mr. Rouse, on the 24th inst., to reconsider the vote rejecting a bill for the benefit of the heirs of Benjamin F. Thomas, deceased.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The question was again taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
John P. Bruce,	Overton P. Hogan,	Camden Riley,
William C. Bullock,	John W. Leathers,	John W. Ritter,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,

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Sam. Daviess Delany,	Daniel Morgan,	William Sterett,
John Eaker,	Fitch Munger,	Caleb B. Wallace,
Abijah Gilbert,	Robert A. Patterson,	Thomas I. Young—21.

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	Robert S. Russell,
Camden M. Ballard,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	Thomas P. Linthicum,	Berry Smith,
Richard C. Graves,	Wm. N. Marshall,	Thomas J. Smith—14.
James W. Hays,	Thomas Rouse,	

Resolved, That the title of said bill be as aforesaid.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act providing for an election to be held for the location of the county seat of Owsley county.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of permanently locating the county seat of Owsley county, the following persons are hereby appointed judges, to superintend an election to be held on the first Monday in May, 1851, to-wit: John Faulconer and Joseph Seal, to attend at the town of Boonville; and Absalom R. Dickerson and Hiram McGuire, at the town of Proctor; and should either of the above named judges fail to attend, the other judge shall appoint another person in his place, who shall reside in the place, or town, in which the other judge resided, whose place he shall be appointed to fill; and the said judges shall open poll books at their respective places of meeting, containing separate columns for and against said towns as above indicated; and they shall continue said election for two consecutive days, and at the end of that time, they shall cause the votes to be cast up in each column, and the place having a majority of all the votes cast, shall be entitled to the seat of justice for said county; and the county court of Owsley county shall, at their next meeting, so proclaim the fact, and immediately take the necessary steps, under existing laws, to have the sense of the people as aforesaid properly carried out; and in case of their failure to do so, the circuit court of Owsley county shall have power, and is hereby required to enforce the compliance of said county court with the directions aforesaid; and until they shall have complied, the circuit and county courts of said county shall sit at the town of Proctor; and to enable them to do so, the citizens of Proctor shall furnish a house sufficient to hold said courts in until the public buildings can be erected; and it shall also be the duty of the clerk of the county court, if it shall be ascertained that the town of Proctor has a majority in said election, to remove the archives of his office immediately to said town.

§ 2. That in the event that either of said parties or judges, substituted as aforesaid, for or against the removal of the said county seat, shall fail to attend, or refuse to act, in causing said election to be held, as required by this act, then the opposing judge shall proceed to open a poll, as directed by this act, at the point he may be in favor of; and a majority of said poll shall govern, and settle, and change the said county seat, as if both places of said county had voted.

§ 3. That James Smallwood is hereby appointed clerk, and Abel Pen-

nington, as Sheriff, to superintend the election at Boonville; and M. G. Horton, as clerk, and William B. McGuire, as Sheriff, to superintend the election at Proctor.

§ 4. That the mode of conducting said election, and the qualifications of the voters shall be as prescribed by the act, approved February 29, 1844, entitled, an act providing for the location of the county seat of Owsley county, unless so far as the same is repealed or modified by this act, and that the said judges shall have power to administer oaths to any person or persons that may be doubted as legal voters.

§ 5. And for false voting by persons not entitled to vote, or voting more than once, and for all failures of the several officers of the election herein contemplated to perform their duties, said persons and officers shall be liable to the same penalties and forfeitures that by law now exist, and are inflicted on persons for false voting, and voting more than once.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative; so the said bill was disageed to.

The yeas and nays being required thereon by Messrs. Marshall and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Overton P. Hogan,	Daniel Morgan,
James W. Hays,	John W. Leathers,	Thomas J. Smith—8.
Elihu Hogan,	William N. Marshall,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Irwin,	John W. Ritter,
Hall Anderson,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Robert S. Russell,
Wm. C. Bullock,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Joshua Buster,	Beriah Magoffin,	James M. Shepard,
Walter Chiles,	Fitch Munger,	Berry Smith,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterett,
John Eaker,	Hamilton Pope,	Caleb B. Wallace,
Abijah Gilbert,	Camden Riley,	Thomas I. Young—28.
Richard C. Graves,		

Mr. Eaker moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a general law giving sheriffs, constables, and clerks, one year after the expiration of their offices, to settle their unfinished business—such as collecting back taxes, fee bills, &c.—and that they report by bill or otherwise.

Which was adopted.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Executive Department,
February 28, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent, Thomas C. Humber, to be Police Judge of the town of Crab Orchard.

Robert Riddle, to be Brigadier General of the 13th Brigade, in place of James S. Runyan, resigned.

Green E. Farney, to be Colonel of the 17th Regiment, 5th Brigade, in place of J. H. G. Bush, resigned.

William Rupard, to be Lieutenant Colonel of the 17th Regiment, 5th Brigade, in place of Green E. Farney, promoted.

Marcus Wait, to be Colonel of the 28th Regiment, 26th Brigade, in place of William B. Crupper, resigned.

Abijah R. Harman, to be Lieutenant Colonel of the 28th Regiment, 26th Brigade, in place of Marcus Wait, promoted.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

The Senate resumed the consideration of the bill from the House of Representatives, entitled, an act to apportion representation.

Ordered, That said bill be referred to a committee of the whole.

Whereupon, the Senate resolved itself into a committee of the whole on said bill, Mr. O. P. Hogan in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Hogan reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again, on Monday next, at 11 o'clock, which was granted.

The Speaker laid before the Senate the following communication, viz:

Office of Board of Internal Improvement,
February 28, 1851.

To the Hon. Ben. Edwards Grey,
Speaker of the Senate:

Sir: You will please present to the Senate the accompanying report, on the claim of James McConnell, together with the vouchers herewith handed over. I have the honor to be, sir,

Your obedient servant,
J. SPEED SMITH, *President.*

[*For Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Internal Improvement.

Leave was given to bring in the following bills, viz:

On motion of Mr. Morgan—1. A bill to incorporate Lodge, No. 80, of Free and Accepted Masons, in the city of Augusta.

On motion of same—2. A bill to amend the charter of the city of Augusta.

Ordered, That Messrs. Morgan, Munger, and Patterson, prepare and bring in said bills.

Mr. Leathers moved a reconsideration of the vote rejecting the amendment moved by Mr. Eaker, to a bill from the House of Representatives,

entitled, an act to apportion representation, which was to make said bill read, in the first section and second district, "Christian two, Ohio and Hancock one."

Ordered, That the further consideration of said motion be postponed until Monday next.

Mr. Bruce moved a reconsideration of the vote by which the bill the better to define and punish penal offenses, was laid on the table.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

Mr. Pope moved the following resolution, viz:

Resolved, That the code of criminal law, prepared by Hon. S. S. Nicholas, and reported by the select committee to the Senate, be referred to the Commissioners elected by the General Assembly to revise the statute laws of this Commonwealth, and that the Clerk of the Senate cause to be delivered to them a copy of this resolution.

Ordered, That the further consideration of said resolution be postponed for the present.

And then the Senate adjourned.

SATURDAY, MARCH 1, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of Joseph A. Vance.

An act to amend an act, entitled, an act to incorporate the Linden Grove Cemetery Company, approved March 5, 1850.

That they had passed bills of the following titles, viz:

An act for the benefit of George Stivers and William Woodcock.

An act for the benefit of Francis McCauley.

An act concerning the Police Judge of the town of Hawesville.

An act for the benefit of Isham G. Hamilton, Clerk of the Boone County Court.

An act to incorporate the Owensboro' Building Company.

An act to amend the act establishing the Police Court of Flemingsburg, approved January 21, 1851.

An act to establish the Police Court of Mount Carmel.

An act to incorporate the town of Newcastle.

An act to incorporate the Board of Trustees of the town of Woodsonville.

An act to establish the Police Court of Poplar Plains.

An act to purchase a burial place in the Frankfort Cemetery.

Mr. Pope presented the petition of sundry subscribers to the stock in the Louisville and Sulphur Well Plank Road Company, praying the passage of a law to release them from such subscriptions.

Which petition was received, the reading dispensed with, and referred to the committee on the Judiciary.

The Speaker laid before the Senate a report from the Auditor of Public Accounts, which is as follows, viz:

AUDITOR'S OFFICE,
FRANKFORT, March 1, 1851.

TO THE HON. BEN. EDWARDS GREY,
Speaker of the Senate:

SIR: In obedience to the directions of the 10th section of an act, entitled, "an act for the appropriation of money," approved March 7, 1850, I herewith "report to the General Assembly, a statement of the settlement of the accounts of the (Lexington) Kentucky Lunatic Asylum," for the year 1850.

No report has been made to this office by the Commissioners of the Second Kentucky Lunatic Asylum. Respectfully submitted,

J. BARBOUR, *Auditor Public Accounts.*

[*For Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act regulating allowances to masters, auditors, and commissioners in chancery, reported the same with an amendment.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no master commissioner in chancery, or auditor, or commissioner, appointed by any circuit court for the settlement of accounts, partition of land, negroes, or personal estate, allotment of dower in land or slaves, or the assessment of the value of any property whatever, or the profits thereof, shall be allowed a compensation exceeding the rate of two dollars per day for the time such master, auditor, or commissioner may be necessarily engaged in the transaction of the business to be committed to them by said court; the time of such service to be ascertained by the oath of such master, auditor, or commissioner, and other competent evi-

dence: *Provided*, that if a survey should be required in course of such business, then such allowance shall be made to the surveyor as the court shall deem proper; and that the court may allow a sum not exceeding one dollar and fifty cents to a commissioner for executing a deed pursuant to any decree or order of court, and that the court may increase such allowance, with the assent of all the parties interested in the matters referred to the master, auditor, or commissioner, by an order made, either prior or subsequent to the transaction of the said business.

The amendment to said bill, reported by the committee on the Judiciary, proposes to add the following, viz:

§ 2. The provisions of this act shall not apply to the Louisville chancery court.

Mr. Patterson moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Rouse, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John W. Leathers,	Camden Riley,
Camden M. Ballard,	Beriah Magoffin,	James M. Shepard,
William C. Bullock,	William N. Marshall,	Berry Smith,
James W. Hays,	Daniel Morgan,	William Sterett,
James W. Irwin,	Robert A. Patterson,	Caleb B. Wallace—17.
John C. Kouns,	Hamilton Pope,	

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Thomas Rouse,
John P. Bruce,	Overton P. Hogan,	Robert S. Russell,
Joshua Buster,	Alfred Johnston,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	Thomas J. Smith,
John Eaker,	Fitch Munger,	Thomas I. Young—17.
Abijah Gilbert,	John W. Ritter,	

Mr. Patterson moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	John W. Ritter,
Hall Anderson,	Beriah Magoffin,	James M. Shepard,
Wlliam C. Bullock,	Daniel Morgan,	Berry Smith,
Walter Chiles,	Fitch Munger,	Thomas J. Smith,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterett—17.
James W. Hays,	Camden Riley,	

Those who voted in the negative, were

Camden M. Ballard,	Alfred Johnston,	Hamilton Pope,
John P. Bruce,	John C. Kouns,	Thomas Rouse,
John Eaker,	John W. Leathers,	Robert S. Russell,

Abijah Gilbert, Thomas P. Linthicum, Nathaniel P. Saunders,
Elihu Hogan, William N. Marshall, Thomas I. Young—16.
Overton P. Hogan,

The main question was then put—"shall the amendment reported by the committee on the Judiciary be adopted?" and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. O. P. Hogan and Young, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard, James W. Irwin, Robert A. Patterson,
John P. Bruce, Alfred Johnston, Hamilton Pope,
William C. Bullock, John C. Kouns, Camden Riley,
Walter Chiles, Thomas P. Linthicum, John W. Ritter,
Sam. Daviess Delany, Beriah Magoffin, James M. Shepard,
John Eaker, William N. Marshall, Berry Smith,
Abijah Gilbert. Daniel Morgan, Thomas J. Smith,
James W. Hays, Fitch Munger, Thomas I. Young—24.

Those who voted in the negative, were

Mr. Speaker, (Grey,) Overton P. Hogan, Robert S. Russell,
Hall Anderson, John W. Leathers, Nathaniel P. Saunders,
Elihu Hogan, Thomas Rouse, William Sterett—9.

The question was then taken—"shall said bill, as amended, be read a third time?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Patterson, were as follows, viz:

Those who voted in the affirmative, were—

Hall Anderson, Abijah Gilbert, John W. Ritter,
Camden M. Ballard, Overton P. Hogan, Thomas Rouse,
John P. Bruce, John C. Kouns, Nathaniel P. Saunders,
Walter Chiles, John W. Leathers, Thomas J. Smith,
Sam. Daviess Delany, Thomas P. Linthicum, Thomas I. Young—17.
John Eaker, William N. Marshall,

Those who voted in the negative, were—

Mr. Speaker, (Grey,) Beriah Magoffin, Camden Riley,
William C. Bullock, Daniel Morgan, Robert S. Russell,
James W. Hays, Fitch Munger, James M. Shepard,
Elihu Hogan, Robert A. Patterson, Berry Smith,
James W. Irwin, Hamilton Pope, William Sterett—16.
Alfred Johnston,

Mr. O. P. Hogan moved that said bill be read a third time, on Tuesday next, at 10 o'clock.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Hamilton Pope,
John P. Bruce,	John C. Kouns,	John W. Ritter,
Walter Chiles,	John W. Leathers,	Thomas Rouse,
Sam. Daviess Delany,	Thomas P. Linthicum,	Nathaniel P. Saunders,
John Eaker,	William N. Marshall,	Berry Smith,
Abijah Gilbert,	Daniel Morgan,	Thomas I. Young—20.
Elihu Hogan,	Fitch Munger,	

Those who voted in the negative, were

Mr. Speaker (Grey,)	James W. Irwin,	Camden Riley,
William C. Bullock,	Alfred Johnston,	James M. Shepard,
Joshua Buster,	Beriah Magoffin,	Thomas J. Smith,
James W. Hays,	Robert A. Patterson,	William Sterett—12.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill to incorporate the Baptist Church of Bedford, Trimble county.

By same—A bill for the benefit of the children of David and John Hogan.

By Mr. Morgan, from the committee on Propositions and Grievances—A bill to change the place of voting in the fifth district, in Nicholas county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Patterson—1. A bill for the benefit of Elizabeth C. Flournoy, of McCracken county.

On motion of same—2. A bill to provide for the payment of the balance of the orders of the School Commissioners for the year 1850.

Ordered, That Messrs. Patterson, Pope, Munger, and Ritter, prepare and bring in said bills.

A message was received from the Governor, by Mr. Smith, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Caroline Ellis, and others.

Approved February 14, 1851.

An act for the benefit of the Board of Trustees of Common Schools for the city of Covington.

An act to authorize the Shelby County Court to sell and convey the Poor House in said county. Approved February 15, 1851.

An act to amend and reduce into one the several acts incorporating the Franklin Fire, Marine, and Life Insurance Company, of Louisville.

An act to incorporate the Springfield and Marion County Turnpike Road Company.

An act requiring Assessors of Tax to return the names and Post Offices of the Deaf and Dumb children in the several counties.

An act to repeal an act, entitled, an act to establish an additional Justices' and Constables' district in Fulton county.

An act to repeal an act for the benefit of Charles Rice, Sheriff of Carter county, approved December 18, 1850.

An act to change the place of voting in the fifth district, for the election of Justices of the Peace and Constables, in Trigg county.

An act to incorporate the Ciceronian Society of Shelby College.

An act for the benefit of John B. Whalen, of Marion county.

An act to amend the act incorporating the Maysville and Lexington Railroad Company.

An act to incorporate Hebron Lodge, No. 19, Independent Order of Odd Fellows.

An act granting the town of Salvisa a Police Judge and Town Marshal.

An act concerning the Treasurer of Graves county.

An act to incorporate the Fredonia Cumberland Presbyterian Church, in Caldwell county.

An act to incorporate Bullitt Royal Arch Chapter, No. 44.

An act to incorporate Germantown Lodge, No. 207, of Free and Accepted Masons.

An act for the benefit of the widow and heirs at law of Samuel Scott, deceased.

An act to amend the charter of the Cave Hill Cemetery.

An act to amend an act establishing the Covington Commercial College.

An act for the benefit of John G. Parks, Clerk of the Nicholas County Court.

An act to run and re-mark the boundary lines between the counties of Lewis and Mason.

An act to incorporate Phœnix Lodge, No. 28, of the Independent Order of Odd Fellows.

An act to provide for the interment of the remains of the Kentuckians who fell at Raisin.

An act to allow an additional Magistrates' and Constables' district in the county of Barren.

An act to amend the charter of the Bowlinggreen and Tennessee Railroad Company.

An act to incorporate Salt River Lodge, No. 180, in the town of Mount Washington, in Bullitt county.

An act to incorporate Warren Lodge, No. 53, of Free and Accepted Masons, and Daviess Chapter, No. 29.

An act for the benefit of the children and heirs of Michael Duvane, and Penelope Thornton, deceased.

An act to incorporate the Lexington Benevolent Female Society.

Approved February 17, 1851.

An act to incorporate the Falls City Insurance Company, at Louisville.

Approved February 20, 1851.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz :

An act to provide for the payment of the interest of the School Fund.

An act to incorporate the St. Aloysius College, in Louisville.

An act to provide for the appointment of Circuit Judges, *pro tem.*

An act to change the boundary lines of the town of Harrodsburg, and to increase the town tax.

An act to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company.

An act to change the place of voting from Mason Gardner's to John F. Blandford's, in Marion county.

An act to amend the charter of the Lebanon and Bradfordsville Turnpike Road Company.

An act to incorprate the Mayfield Presbyterial Seminary.

An act to amend the charter of the Lebanon and Perryville Turnpike Road Company.

An act to authorize the town of Paducah to subscribe stock in a Plank Road and the Duck River Slackwater Navigation Company.

An act to amend the charter of the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

An act for the benefit of Mrs. Ann Ellis, of Todd county.

An act to incorporate the Grand Temple of Honor of the State of Kentucky, and the subordinate Temples.

An act to amend an act, entitled, an act to incorporate the Columbus Fire, Life, and Marine Insurance Company.

An act to amend an act, entitled, an act to incorporate the Hopkinsville Fire, Life, and Marine Insurance Company.

An act to incorporate the Narrow's Bridge Company.

An act to amend the charter of the Taylor County Turnpike Road Company.

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled, an act to amend an act, entitled, an act to incorporate the Henderson and Nashville Railroad Company, approved March 4, 1850.

An act to amend an act appointing Trustees for Moscow Seminary, in Hickman county.

An act to authorize the Trustees of Winchester to sell the stray pen, and prescribing the duties of the Clarke County Court in regard to strays.

An act to amend an act, entitled, an act to incorporate the Paris, Winchester, and Kentucky River Turnpike Road Company, &c., approved February 25, 1848.

An act for the benefit of John Clay, of Nicholas county.

An act incorporating the German Lutheran Presbyterian St. John's Church, in Newport.

An act to charter the Louisville Homœpathic College of Medicine.

An act extending the limits of the town of Shelbyville.

An act to change a part of the State road from Canton to Hickman.

An act to incorporate Hobson Lodge, No. 63, Independent Order of Odd Fellows.

An act to incorporate Russellville Division, No. 51, Sons of Temperance.

An act to incorporate Sligo Division, No 18, Sons of Temperance, in Henry county.

An act to incorporate Georgetown Chapter, No. 13, of Free and Accepted Masons, and to amend an act incorporating Mount Vernon Lodge, No. 14.

An act to incorporate the Louisville Paper Mill.

An act to incorporate Montgomery Lodge, No. 18, of the Independent Order of Odd Fellows.

An act to amend the charter of the Covington and Lexington Railroad Company.

An act relative to holding elections in certain districts in Owen and Mason counties.

An act to create the offices of Police Judge and Marshal in the town of Moscow, in Hickman county.

An act to incorporate the Hancock Manufacturing Company.

An act authorizing the sale of certain streets in the town of Glasgow.

An act to incorporate the Cumberland Presbyterian Church [illegible] town of Paducah.

An act to amend the Common School laws.

An act to regulate the commissions of Sheriffs in the collection of taxes imposed by County Courts on the *ad valorem* principle.

An act for the benefit of Alfred F. Gowdey, Clerk of the Taylor County Court.

An act authorizing the Trustees of Winchester to sell the public spring lot in said town.

An act incorporating the United Baptist Church, in Taylor county.

An act to incorporate the Medico Chirurgical Society, of the Kentucky School of Medicine, in the city of Louisville.

An act authorizing the sale of certain streets and an alley in the town of Russellville.

An act to legalize the appointment of Assessors of Tax by the County Court of Daviess at their February term, 1851.

An act to incorporate the Deposit Bank of Paris, Bourbon county.

An act to incorporate the town of Williamsburg, in Whitley county.

An act to amend an act, entitled, an act to incorporate the Trustees of Bacon College, located at Harrodsburg.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

The Senate resolved itself into a committee of the whole, Mr. Buster in the Chair, on the bill providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein; and after some time spent therein, the Speaker resumed the Chair, when Mr. Buster reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the same to the Senate with sundry amendments, which he handed in at the Clerk's table.

Said amendments were then concurred in.

Mr. Leathers, at half past 1 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Hamilton Pope,
Hall Anderson,	John C. Kouns,	Camden Riley,
Camden M. Ballard,	John W. Leathers,	Robert S. Russell,

John P. Bruce,	William N. Marshall,	James M. Shepard,
Sam. Daviess Delany,	Fitch Munger,	Thomas J. Smith—17.
John Eaker,	Robert A. Patterson,	

Those who voted in the negative, were

Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	John W. Ritter,	William Sterett,
Overton P. Hogan,	Thomas Rouse,	Thomas I. Young—13.
James W. Irwin,		

MONDAY, MARCH 3, 1851.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills, which originated in that House, of the following titles, viz:

An act for the benefit of the securities of James White, Deputy Sheriff of Mason county. Approved February 14, 1851.

An act to amend an act, entitled, an act to incorporate the Lexington Fire, Life, and Marine Insurance Company, approved March 1, 1836.

An act for the benefit of the Justices of the Hickman County Court.

An act providing for the election of certain officers in the town of Paducah.

An act for the benefit of the Trustees of Waidsboro'. Approved February 15, 1851.

An act to authorize the Trustees of the town of Cadiz to sell a part of Main, or Washington street, in said town.

An act to incorporate Lexington Division, No. 21, Sons of Temperance.

An act for the benefit of Harvey M. Brown.

An act for the benefit of James J. Hall.

An act for the benefit of James E. Stone, Clerk of the Hancock Circuit and County Courts.

An act giving to the Clerk of the McCracken Circuit and County Courts further time to collect fee bills.

An act to incorporate Mayfield Lodge, No. 146, of Free and Accepted Masons.

An act for the benefit of Chs. P. Tate, late Sheriff of Casey county.

An act to condemn land in Fleming county for a burial ground.

An act for the benefit of certain School Districts in the counties of Hart, Casey, Fulton, Bath, Owen, Clay, Johnson, Graves, Washington, and Henry.

Approved February 17, 1851.

An act to re-organize and regulate the office of Police Judge in the town of Hickman.

An act to incorporate the Marine Insurance Company, at Paducah.

An act for the benefit of Asbury Chapel, in the city of Louisville.

An act to regulate tolls on turnpike roads in Kenton county.

An act to regulate tolls on turnpike roads in Mason county.

Approved February 18, 1851.

That they had concurred in the amendments proposed by the Senate, to bills from that House, of the following titles, viz:

An act authorizing the election of officers of the Glasgow and Scottsville Turnpike Roads.

An act to extend the duties of Commissioners of Tax.

An act to create the office of Police Judge in the town of Clinton.

An act to incorporate the Columbus Masonic Seminary, in Hickman county.

An act in relation to Flint Island School District, No. 5, in Breckinridge county.

An act to incorporate the Carrollton Library Society.

An act to prevent the destruction of fish in Barebone creek, in Trimble county, and Floyd's fork, in Jefferson county.

An act to incorporate the town of Mountsterling.

An act for the benefit of Riley McGuire.

An act to authorize the County Court of Nelson to subscribe stock in the Louisville and Nashville Railroad Company.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act to suppress the practice of adulterating spirituous liquors, &c.

An act allowing additional Justices' and Constables' districts in Hardin county.

An act to incorporate the Erodelphian Society of Cumberland College.

Mr. Irwin, from the committee on Internal Improvement, reported a bill to authorize the County Courts of Logan and Simpson to subscribe

stock in the Louisville and Nashville Railroad Company, or in such Railroad Company as may pass through said counties, which was read the first time, as follows:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Sheriff of Logan county, and the other officers holding the general election in said county, in the month of May next, to open columns in their several poll books, for the purpose of submitting to the legal voters of said county the question, whether or not they will submit to an *ad valorem* tax of not exceeding one half of one per cent., per annum, on the property of said county, and the additional list, under the equalization law, now subject to taxation by law, for the purpose of raising a fund to assist in the construction of any railroad that may be located within the limits of said county.

§ 2. When any legal voter shall present himself at the polls at said election, and claim the right of suffrage, after he shall have cast his vote for the officers to be elected at such general election, it shall be the duty of the sheriff conducting the election, to put the question separately and distinctly, "do you vote for against the railroad tax?" and if the voter shall vote upon said question, his vote shall be properly recorded by the clerk.

§ 3. Upon a comparison of the polls, as provided for by law, it shall be the duty of the several officers comparing them, to certify said comparison to the county court of said county at its next session; and if it shall appear that a majority of all the votes cast in said county are in favor of the imposition of said tax, an order therein shall be entered up by said court, directing the collector of the revenue tax of said county to collect an *ad valorem* tax from the citizens and property holders of said county of not more than one half of one per cent., per annum, for a term of years sufficiently long to complete and pay for the construction of the road through said county, commencing with and including the year 1852.

§ 4. If the imposition of said tax is demanded by a majority of the voters of said county, it shall be the duty of the county court to subscribe stock in such railroad company to an amount equal to the amount of tax to be collected in said county, to be paid according to the laws of this commonwealth and the by-laws and ordinances of said railroad company: *Provided*, said railroad shall run through or near the town of Russellville, in said county.

§ 5. It shall be the duty of the collector of the revenue tax, in said county of Logan, to give to each tax payer of said railroad a separate receipt for the amount of his tax, setting out the valuation of such tax payer's property, and the amount of his railroad tax; which receipt shall be transferable by written assignment; and the owner of said receipt shall be entitled to the extent thereof, to an equal proportion of the stock owned by said county in said railroad company; and when any person shall present to said county court, receipts to an amount equal to one share or more of said stock, said court shall give him a new certificate, specifying the extent of his interest, and shall order stock to that amount to be transferred to him and stand in his name.

§ 6. That the county court of Logan shall have power to anticipate the tax herein proposed to be raised, by issuing bonds on and in the name of

the county of Logan, bearing a rate of interest not exceeding six per cent, and payable in fifteen years: *Provided*, that the said bonds shall not be sold for less than the par value.

§ 7. The provisions of this act shall apply to the county of Simpson: *Provided*, the said road shall run through said county, and through or near the town of Franklin.

Ordered, That said bill be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Rouse, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	John W. Ritter,
James P. Barbour,	Overton P. Hogan,	James M. Shepard,
John P. Bruce,	James W. Irwin,	Berry Smith,
Wm. C. Bullock,	John C. Kouns,	Thos. J. Smith,
Walter Chiles,	Thomas P. Linthicum,	William Sterett,
Abijah Gilbert,	Daniel Morgan,	Thomas I. Young—20.
James W. Hays,	Hamilton Pope,	

Those who voted in the negative, were

Hall Anderson,	John Eaker,	Robert A. Patterson,
Camden M. Ballard,	Alfred Johnston,	Camden Riley,
Joshua Buster,	John W. Leathers,	Thomas Rouse,
Sam. Daviess Delany,	William N. Marshall,	Nathaniel P. Saunders—12.

Resolved, That the title of said bill be as aforesaid.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act in relation to Justices' and Constables' districts in Fleming county.

An act to change the place of voting in the 4th district, in Cumberland county.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

A bill from the House of Representatives, entitled, an act allowing additional Justices' and Constables' districts in Hardin county, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Morgan, leave was granted to withdraw the papers on file in relation to the location of the county seat of Owsley county.

Mr. Hays moved the following resolution, viz:

Resolved, That hereafter the Senate will take a recess at 1 o'clock, and meet at 3 o'clock, P. M.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Hays,	Daniel Morgan,
Camden M. Ballard,	Elihu Hogan,	Fitch Munger,
James P. Barbour,	Overton P. Hogan,	Hamilton Pope,
John P. Bruce,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	Alfred Johnston,	James M. Shepard,
Joshua Buster,	John C. Kouns,	Berry Smith,
Walter Chiles,	John W. Leathers,	Thomas J. Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	William Sterett,
John Eaker,	Beriah Magoffin,	Thomas I. Young—29.
Abijah Gilbert,	William N. Marshall,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Camden Riley,	Robert S. Russell,
Richard C. Graves,	John W. Ritter,	Nathaniel P. Saunders—7.
Robert A. Patterson,		

The Senate resumed the consideration of the bill providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein.

Said bill, as amended, reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person interested as owner of stock, creditor, or otherwise, in the Logan, Todd, and Christian turnpike road, may, by bill in chancery, or other proceeding in the nature of *scire facias*, in the name of said commonwealth, institute suit in the circuit court of Christian county, against said road company, for any violation of the corporate rights or duties of said company, heretofore, now, or hereafter committed by them or their agents; and upon such bill filed, or *scire facias* issued, and in due time and manner executed on the president, or upon the individual who was the last acting president, or any two persons who last acted as directors of said company, the said court shall have power to hear proof, taken according to chancery proceedings, touching any matter or thing charged in said bill or *scire facias*, and the plea or

defense thereto; and, on final hearing, may order or decree a forfeiture and cancelment of all rights, powers, and privileges vested in said road company, in virtue of their original act of incorporation, or any amendment thereto; and, if either party to said proceeding may demand it, said court shall cause a jury to be selected, in order to try any matter or thing charged against said company as cause of forfeiture of said charter, which trial by jury shall be had and conducted as other issues are tried in chancery; such finding of the jury shall be final as to the truth of the matter submitted—subject, however, to a new trial in the discretion of the court—an appeal or writ of error to the court of appeals, as provided in similar cases. After final decree or verdict against said company, as aforesaid, all rights, benefits, and powers, heretofore granted to said company, shall cease and be of no effect; but no action, order, or decree, or finding of said jury, shall, in any wise, impair or affect the rights of said commonwealth in said road company, or the road, or right-of-way, or any part thereof, as now claimed or held by said company.

§ 2. That in the event any forfeiture of the charter of said company should be decreed, declared, or ordered, as aforesaid, and any company or association of persons should organize themselves—under the general law, entitled, "an act to authorize the construction of plank, stone, and gravel turnpike roads in this commonwealth, approved March 7th, 1850"—to build or construct a plank, gravel, or rock road over the ground, or any part thereof, now graded and used by said company, passing through the counties of Logan, Todd, Christian, and Caldwell, or either or part of either of them, and in that event such company or association of persons may, in writing, make known to the governor of said commonwealth, the fact of their organization; and the governor shall, when satisfied of the legal existence of said association, in due form of law grant to them all rights-of-way, use, power, and control of said road, through the counties aforesaid, or either of them, upon such conditions and terms as may be deemed by him best adapted to the interest of said commonwealth, the good citizens adjacent to said road, and likewise the interest and advantage of such new company or association formed as aforesaid; and after the grant thus made, all right and power over said road, or any part thereof, thus intended to be used, shall vest in said new company, according to the provisions of the act recited as aforesaid, under which the same was created: *Provided, however*, that nothing in this section shall be so construed as to empower the governor to exact a moneyed condition or consideration from any such new company or association, or in anywise exact for the grant of the state's interest in said turnpike road, any thing unjust or unreasonable in its future completion through either of said counties.

§ 3. That all, or any one of the present *bona fide* owners of stock in the turnpike road company thus to be forfeited, shall have the exclusive right, for the space or term of ninety days, from the date of the decree of the forfeiture, or the term of thirty days, from the time the books of any new company, or association, as aforesaid, shall be publicly opened, to take, or subscribe for stock in said new company to the amount of stock now held by them, or either of them, in said old company; and, in order to secure this exclusive right to the old individual stockholders, it is hereby made the duty of the president, or two of the directors of the old

company, to cause to be published, in the newspapers published in the towns of Russellville, Hopkinsville, and Princeton, the decree of forfeiture of said charter; and, likewise, a request that each of said stockholders meet, at some designated place on the present line of said road, in order to form a new association, or company, under the general law recited as aforesaid.

Mr. Sterett moved to amend said bill, by adding thereto the following, viz:

§ 4. That it shall be the duty of any company, who shall adopt the provisions of this act, to set apart to the commonwealth, in stock, the value of her interest in said road—to be assessed by three persons, to be selected by the governor, who shall report to him; and upon satisfactory proof being made to him that the value of said interest has been set apart in stock to the commonwealth, the governor shall release the interest of the commonwealth; and in no other event shall the interest of the commonwealth in said road be surrendered or forfeited.

Mr. Irwin moved to amend said amendment, by adding thereto the following proviso, viz:

Provided, That if any new company shall avail themselves of the benefit of this charter, and make a plank or McAdamized road, then, and in that event, the road shall be valued, and certificates of stock shall be issued to the present individual stockholders for the present value of the road, so far as individual stock is concerned, which shall be regarded as so much stock subscribed for and paid in under the new charter.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Robert S. Russell,
William C. Bullock,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Joshua Buster,	Beriah Magoffin,	James M. Shepard,
John Eaker,	William N. Marshall,	Berry Smith,
Abijah Gilbert,	Daniel Morgan,	Thomas J. Smith,
James W. Hays,	Hamilton Pope,	William Sterett,
Elihu Hogan,	Camden Riley,	Thomas I. Young—25.
Overton P. Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Walter Chiles,	Fitch Munger,
Hall Anderson,	Sam. Daviess Delany,	Robert A. Patterson,
John P. Bruce,	John W. Leathers,	John W. Ritter—9.

The question was then taken on the adoption of said amendment, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Ballard, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Overton P. Hogan,	John W. Ritter,
James P. Barbour,	James W. Irwin,	Thomas Rouse,
John P. Bruce,	Alfred Johnston,	Robert S. Russell,
Wm. C. Bullock,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Joshua Buster,	Beriah Magoffin	James M. Shepard,
Walter Chiles,	William N. Marshall,	Berry Smith,
John Eaker,	Daniel Morgan,	Thomas J. Smith,
Abijah Gilbert,	Fitch Munger,	William Sterett,
James W. Hays,	Hamilton Pope,	Thomas I. Young—29.
Elihu Hogan,	Camden Riley,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Sam. Daviess Delany,	Robert A. Patterson—5.
Hall Anderson,	John W. Leathers,	

Mr. Patterson moved to amend said bill, by adding thereto the following, viz:

§ 5. That it shall be the duty of the governor, within three months after he shall be duly notified that said charter has been declared forfeited, to appoint said commissioners, and cause the interest of the state and stockholders to be valued according to the provisions of this act, otherwise the interest of the state and stockholders shall be forever forfeited; and it shall be the duty of the court to notify the governor of the forfeiture so soon as it takes place: *Provided*, that the state is and shall be forever released from any and all liabilities or debts now due, or that may hereafter become due, or payable for and on account of said road, directly or indirectly.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The question was then taken on engrossing and reading said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Robert A. Patterson,
Hall Anderson,	Alfred Johnston,	John W. Ritter,
John P. Bruce,	John C. Kouns,	Robert S. Russell,
Sam. Daviess Delany,	John W. Leathers,	James M. Shepard,
Abijah Gilbert.	Thomas P. Linthicum,	Thomas J. Smith,
Elihu Hogan,	Daniel Morgan,	Thomas I. Young—20.
Overton P. Hogan,	Fitch Munger,	

Those who voted in the negative, were

Camden M. Ballard,	John Eaker,	Thomas Rouse,
James P. Barbour,	James W. Hays,	Nathaniel P. Saunders,
William C. Bullock,	William N. Marshall,	Berry Smith,
Joshua Buster,	Hamilton Pope,	William Sterett—14.
Walter Chiles,	Camden Riley,	

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Patterson, at five minutes past 3 o'clock, P. M., moved a call of the Senate.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Sam. Daviess Delany,	Daniel Morgan,	John W. Ritter,
Abijah Gilbert,	Robert A. Patterson,	Thomas Rouse,
Overton P. Hogan,	Hamilton Pope,	Berry Smith,
Beriah Magoffin,	Camden Riley,	William Sterett—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John Eaker,	John C. Kouns,
Hall Anderson,	James W. Hays,	John W. Leathers,
Camden M. Ballard,	Elihu Hogan,	Thomas P. Linthicum,
John P. Bruce,	James W. Irwin,	William N. Marshall,
William C. Bullock,	Alfred Johnston,	Fitch Munger—15.

The committee of the whole was discharged from the further consideration of a bill from the House of Representatives, entitled, an act to apportion representation.

Mr. Leathers withdrew his motion to reconsider the vote rejecting the amendment moved by Mr. Eaker, to amend said bill in the first section and second district, to read, "Christian two, Ohio and Hancock one."

Mr. Bruce moved to amend the first section of said bill, by striking out the representation in the sixth district, and inserting in lieu thereof the following, viz:

To the county of Madison one, Garrard one, Knox one, Estill one, Laurel and Rockcastle one, Clay and Owsley one, Harlan and Perry one, Pike and Letcher one, Floyd and Johnson one.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bruce and Irwin, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John C. Kouns,	Robert S. Russell,
John Eaker,	John W. Leathers,	Nathaniel P. Saunders,
Abijah Gilbert,	Beriah Magoffin,	Berry Smith,
Overton P. Hogan,	William N. Marshall,	Thomas J. Smith,
James W. Irwin,	John W. Ritter,	Thomas I. Young—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Robert A. Patterson,
Hall Anderson,	James W. Hays,	Hamilton Pope,
Camden M. Ballard,	Elihu Hogan,	Camden Riley,
James P. Barbour,	Thomas P. Linthicum,	James M. Shepard,
William C. Bullock,	Daniel Morgan,	William Sterett,
Walter Chiles,	Fitch Munger,	Caleb B. Wallace—19.
Sam. Daviess Delany,		

Mr. Delany moved to amend the first section of said bill, by striking out the representation in the sixth district, and inserting in lieu thereof the following, viz:

To the county of Madison two, Garrard one, Whitley one, Knox one, Laurel and Rockcastle one, Letcher, Pike, and Perry one, Clay, Owsley, and Harlan one, Floyd and Johnson one, Estill one.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Delany and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John Eaker,	Camden Riley,
James P. Barbour,	Elihu Hogan,	James M. Shepard,
John P. Bruce,	Alfred Johnston,	Berry Smith,
Joshua Buster,	John C. Kouns,	William Sterett,
Sam. Daviess Delany,	Robert A. Patterson.	Thomas I. Young—15.

Those who voted in the negative, were

Hall Anderson,	Overton P. Hogan,	Daniel Morgan,
Camden M. Ballard,	James W. Irwin,	Fitch Munger,
William C. Bullock,	John W. Leathers,	Hamilton Pope,
Walter Chiles,	Thomas P. Linthicum,	John W. Ritter,
Abijah Gilbert,	Beriah Magoffin,	Thomas Rouse,
Richard C. Graves,	Wm. N. Marshall,	Nathaniel P. Saunders—19
James W. Hays,		

And then the Senate adjourned.

TUESDAY, MARCH 4, 1851.

A message was received from the House of Representatives, announcing that they had passed bills and adopted a resolution of the following titles, viz:

An act for the benefit of School District, No. 19, in Meade county.

An act giving further time to the citizens of Whitley county to return plats of surveys on lands in said county.

An act authorizing the Winchester and Kentucky River Turnpike Road Company to erect gates on certain conditions.

An act to include the house and lot of Arthur Smith within the town of Cadiz.

A resolution fixing a day for the adjournment of the General Assembly.

Mr. Morgan, from a select committee, reported the following bills, viz:

A bill to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons.

A bill to amend the charter of the city of Augusta.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Eaker, from the joint committee on the Penitentiary, made a report.

[*For Report—see Legislative Documents.*]

Leave was given to bring in the following bills, viz:

On motion of Mr. Barbour—1. A bill to amend the act incorporating the Lebanon, New Market, and Springfield Turnpike Road Company.

On motion of Mr. Bruce—2. A bill for the benefit of School District, No. 24, in Knox county.

On motion of Mr. Bullock—3. A bill to amend the charter of the town of Shelbyville.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on Education the 2d; and the committee on the Judiciary the 3d.

Mr. Eaker read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will adjourn *sine die* on Monday, the 24th day of March, inst., at 10 o'clock, A. M.

Mr. O. P. Hogan moved the following resolution, viz:

Resolved, That the Senate will, during the remainder of this session, meet at half past 8 o'clock, A. M.; and no Senator shall speak more than fifteen minutes upon any measure.

And after some discussion thereon, the hour for the orders of the day arrived.

Mr. Eaker moved to dispense with the orders of the day.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard, Joshua Buster, John Eaker, Elihu Hogan, Overton P. Hogan, Alfred Johnston, John C. Kouns, John W. Leathers, Nathaniel P. Saunders, Thomas I. Young—10

Those who voted in the negative, were

Mr. Speaker (Grey,) Hall Anderson, James P. Barbour, William C. Bullock, Walter Chiles, Sam. Daviess Delany, Abijah Gilbert, Richard C. Graves, James W. Hays, James W. Irwin, Thomas P. Linthicum, Beriah Magoffin, Daniel Morgan, Fitch Munger, RobertA. Patterson, Hamilton Pope, Camden Riley, John W. Ritter, Thomas Rouse, Robert S. Russell, James M. Shepard, Berry Smith, Thomas J. Smith, William Sterett, Caleb B. Wallace—25.

A bill from the House of Representatives, entitled, an act regulating allowances to masters, auditors, and commissioners in chancery, was read a third time.

Mr. Chiles moved to re-commit said bill to the committee on the Judiciary.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Camden M. Ballard, James P. Barbour, John P. Bruce, Joshua Buster, Walter Chiles, Sam. Daviess Delany, John Eaker, Abijah Gilbert, Elihu Hogan, Overton P. Hogan, Alfred Johnston, John W. Leathers, Thomas P. Linthicum, William N. Marshall, Thomas Rouse, Robert S. Russell, James M. Shepard, Caleb B. Wallace—19.

Those who voted in the negative, were

Hall Anderson, William C. Bullock, Richard C. Graves, James W. Hays, John C. Kouns, Beriah Magoffin, Robert A. Patterson, Hamilton Pope, Camden Riley, Thomas J. Smith, William Sterret, Thomas I. Young—12.

Mr. Barbour, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the House of Representatives, entitled,

An act allowing additional Justices' and Constables' districts in Hardin county.

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Barbour reported that the committee had performed that duty.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to apportion representation.

Mr. Young moved to amend said bill, in the second section, to read, "Fleming and Bath the twenty-eighth, Bourbon and Nicholas the thirty-fifth."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Young and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	John C. Kouns,	Robert S. Russell,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	Berry Smith,
John Eaker,	William N. Marshall,	Thomas J. Smith,
Overton P. Hogan,	Robert A. Patterson,	Thomas I. Young—17.
Alfred Johnston,	Thomas Rouse,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Hamilton Pope,
Hall Anderson,	James W. Hays,	Camden Riley,
Camden M. Ballard,	Elihu Hogan,	John W. Ritter,
James P. Barbour,	James W. Irwin,	James M. Shepard,
William C. Bullock,	Thomas P. Linthicum,	William Sterett,
Walter Chiles,	Daniel Morgan,	Caleb B. Wallace—20
Abijah Gilbert,	Fitch Munger,	

Mr. O. P. Hogan moved to amend said bill, in the second section, to read, "Owen, Gallatin, Carroll, and Grant the twenty sixth, Campbell and Pendleton the twenty-seventh, Kenton and Boone the twenty-ninth."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Leathers, were as follows, viz:

Those who voted in the affirmative, were

James P. Barbour,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John W. Leathers,	Berry Smith,

John Eaker, Beriah Magoffin, Thomas J. Smith,
Overton P. Hogan, William N. Marshall, Thomas I. Young—16.
James W. Irwin,

Those who voted in the negative, were

Mr. Speaker, (Grey,) Richard C. Graves, Hamilton Pope,
Hall Anderson, James W. Hays, Camden Riley,
Camden M. Ballard, Elihu Hogan, John W. Ritter,
William C. Bullock, Thomas P. Linthicum, Robert S. Russell,
Joshua Buster, Daniel Morgan, James M. Shepard,
Walter Chiles, Fitch Munger, William Sterett,
Abijah Gilbert. Robert A. Patterson, Caleb B. Wallace—21.

Mr. Magoffin moved a reconsideration of the vote rejecting the amendment to the first section of said bill, in the sixth district, proposed by Mr. Delany on yesterday.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) James W. Irwin, Robert S. Russell,
James P. Barbour, Alfred Johnston, Nathaniel P. Saunders,
John P. Bruce, John C. Kouns, James M. Shepard,
Joshua Buster, John W. Leathers, Berry Smith,
Walter Chiles, Beriah Magoffin, Thomas J. Smith,
Sam. Daviess Delany, William N. Marshall, William Sterett
John Eaker, Robert A. Patterson, Caleb B. Wallace,
James W. Hays, Camden Riley, Thomas I. Young—26.
Elihu Hogan, Thomas Rouse,

Those who voted in the negative, were

Hall Anderson, Richard C. Graves, Fitch Munger,
Camden M. Ballard, Overton P. Hogan, Hamilton Pope,
William C. Bullock, Thomas P. Linthicum, John W. Ritter—11.
Abijah Gilbert, Daniel Morgan,

The question was again taken on the adoption of the amendment proposed by Mr. Delany, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Magoffin and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Alfred Johnston, Nathaniel P. Saunders,
James P. Barbour, John C. Kouns, James M. Shepard,
John P. Bruce, John W. Leathers, Berry Smith,
Joshua Buster, William N. Marllshall, Thomas J. Smith,
Sam. Daviess Delany, Robert A. Patterson, William Sterett,
John Eaker, Camden Riley, Caleb B. Wallace,
James W. Hays, Robert S. Russell, Thomas I. Young—22.
Elihu Hogan,

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	Daniel Morgan,
Camden M. Ballard,	Overton P. Hogan,	Fitch Munger,
William C. Bullock,	James W. Irwin,	Hamilton Pope,
Walter Chiles,	Thomas P. Linthicum,	John W. Ritter,
Abijah Gilbert,	Beriah Magoffin,	Thomas Rouse—15.

Mr. Hays moved a reconsideration of said vote.

Ordered, That the further consideration of said motion be postponed until to-morrow.

Mr. Delany moved to amend said bill, in the second section, to read, "Crittenden, Union, and Henderson the second, Daviess and Ohio the fifth, Hopkins and Muhlenburg the thirteenth."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Delany and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Robert A. Patterson.	Thomas J. Smith,
Overton P. Hogan,	Thomas Rouse,	Thomas I. Young—9.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Daniel Morgan,
Hall Anderson,	James W. Hays,	Fitch Munger,
Camden M. Ballard,	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	James W. Irwin,	Camden Riley,
William C. Bullock,	Alfred Johnston,	Robert S. Russell,
Joshua Buster,	John C. Kouns,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
John Eaker,	Beriah Magoffin,	William Sterett,
Abijah Gilbert,	Wm. N. Marshall,	Caleb B. Wallace—27.

And then the Senate adjourned.

WEDNESDAY, MARCH 5, 1851.

A message was received from the House of Representatives, announcing their disagreement to a bill from the Senate, entitled, an act for the benefit of Malachi A. Pickering, of Caldwell county.

That they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act to authorize the County Court of Shelby to subscribe stock in roads.

That they had passed bills from the Senate, of the following titles, viz:

An act authorizing the Chancellor of the Louisville Chancery Court to direct certain streets in Portland to be closed.

An act to amend an act, entitled, an act to reduce into one the several acts concerning the town of Portland, approved March 2, 1850.

An act to amend the charter of the Clear Creek Turnpike Road Company, of Shelby county.

An act to incorporate Pikeville Division, No. 79, Sons of Temperance.

An act to incorporate Blandville Lodge, No. 142, of Free and Accepted Masons.

An act for the benefit of the Sheriff of Boone county.

An act to incorporate the Peacock Coal Company, of Owsley county.

An act to amend an act, entitled, an act to incorporate the Shelbyville and Taylorsville Turnpike Road Company.

An act for the benefit of the Sheriff of Lawrence county.

An act in relation to the Internal Improvement Fund of McCracken county.

An act to authorize the sale of the Parsonage of the Glasgow Circuit of the Methodist Episcopal Church, South.

An act for the benefit of the Danville and Hustonville Turnpike Road Company.

An act to amend the charter of the town of Hardinsburg.

An act to amend the charter of the Lexington and Danville Railroad Company.

An act to unite into one the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Shepherdsville Plank Road Company.

With amendments to the last three named bills.

That they had passed bills of the following titles, viz:

1. An act extending the powers of the Mayor of the city of Maysville.

2. An act to repeal an act to establish a Police Court in the town of Mount Vernon.

3. An act to incorporate Grant Lodge, No. 85, of Free and Accepted Masons.

4. An act for the benefit of the Sheriffs of Lewis and Mason counties.

5. An act to authorize the Trustees of the town of Owenton to convey town lots.

6. An act to incorporate Owen Division, No. 220, Sons of Temperance, in Owenton, Owen county.

7. An act to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Company.

8. An act to give additional Commissioners to the Mount Sterling and Jeffersonville Turnpike Road Company.

9. An act to amend the charter of the North Middletown, Mount Ida, and Mount Sterling Turnpike Road Company.

10. An act to incorporate the Owenton and Scott County Line Turnpike Road Company.

11. An act to incorporate the Stanford and Hustonville Turnpike Road Company.

12. An act to authorize the people of Logan county to tax themselves, to assist in making the Louisville and Nashville Railroad, and for other Internal Improvements.

13. An act to incorporate the Versailles Joint Stock Building Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, 3d, 5th, 6th, and 13th to the committee on the Judiciary; the 4th to the committee on Finance; and the 7th, 8th, 9th, 10th, 11th, and 12th to the committee on Internal Improvement.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act to suppress the practice of adulterating spirituous liquors, &c.

2. An act for the benefit of George Stivers and William Woodcock.

3. An act for the benefit of Francis McCauley.

4. An act concerning the Police Judge of the town of Hawesville.

5. An act for the benefit of Isham G. Hamilton, Clerk of the Boone County Court.

6. An act to incorporate the Owensboro' Building Company.

7. An act to amend the act establishing the Police Court of Flemingsburg, approved January 21, 1851.

8. An act to establish the Police Court of Mount Carmel.

9. An act to incorporate the town of New Castle.

10. An act to incorporate the Board of Trustees of the town of Woodsonville.

11. An act to establish the Police Court of Poplar Plains.

12. An act to purchase a burial place in the Frankfort Cemetery.

13. An act for the benefit of School District, No. 19, in Meade county.

14. An act authorizing the Winchester and Kentucky River Turnpike Road Company to erect gates on certain conditions.

15. An act to include the house and lot of Arthur Smith within the town of Cadiz.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 6th to the committee on Agriculture and Manufactures; the 2d, 3d, 5th, and 12th to the committee on Finance; the 4th, 8th, 9th, 10th, and 11th to the committee on the Judiciary; the 7th and 15th to the committee on Propositions and Grievances; the 13th to the committee on Education; and the 14th to the committee on Internal Improvement.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act to incorporate the Erodelphian Society of Cumberland College.

An act giving further time to the citizens of Whitley county to return plats of surveys on lands in said county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Linthicum, from the committee on Circuit Courts, reported a bill to fix the time of holding Circuit Courts in this Commonwealth, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order for Thursday, at 3 o'clock, P. M.; and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Leathers, from the committee on Internal Improvement, reported a bill to amend the act incorporating the Lebanon, New Market, and Springfield Turnpike Road Company, approved February 18, 1848, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Riley, leave was given to bring in a bill to enclose Greenwood Seminary, in Henderson county, and for other purposes; and the committee on Education was directed to prepare and bring in the same.

Mr. Patterson moved to dispense with the orders of the day, for the

purpose of taking up the resolution from the House of Representatives fixing a day for the adjournment of the General Assembly.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Robert A. Patterson,
Camden M. Ballard,	Alfred Johnston,	Camden Riley,
John P. Bruce,	John C. Kouns,	John W. Ritter,
Sam. Daviess Delany,	John W. Leathers,	Robert S. Russnll,
John Eaker,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Abijah Gilbert,	Beriah Magoffin,	Thos. J. Smith,
James W. Hays,	William N. Marshall,	Thomas I. Young—23.
Overton P. Hogan,	Fitch Munger,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Berry Smith,
Wm. C. Bullock,	Hamilton Pope,	William Sterett,
Joshua Buster,	Thomas Rouse,	Caleb B. Wallace—11.
Richard C. Graves,	James M. Shepard,	

Said resolution was, accordingly, taken up, and reads as follows, viz: *Resolved by the General Assembly of the Commonwealth of Kentucky*, That on the seventeen day of March, 1851, when the Senate and House of Representatives shall adjourn, such adjournment shall be without day.

The question was then taken on concurring in said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ritter and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Camden Riley,
Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
John P. Bruce,	John C. Kouns,	Robert S. Russell,
Wm. C. Bullock,	John W. Leathers,	Nathaniel P. Saunders,
Joshua Buster,	Thomas P. Linthicum,	Berry Smith,
Abijah Gilbert,	William N. Marshall,	Thomas J. Smith,
Richard C. Graves,	Daniel Morgan,	William Sterett,
James W. Hays,	Fitch Munger,	Caleb B. Wallace,
Elihu Hogan,	Robert A. Patterson,	Thomas I. Young—28.
Overton P. Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Beriah Magoffin	Thomas Rouse,
Sam. Daviess Delany	Hamilton Pope,	James M. Shepard—7.
John Eaker,		

Mr. Patterson moved a reconsideration of the vote concurring in said resolution.

Mr. Magoffin moved to postpone the further consideration of said motion until the 15th inst.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and E. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Fitch Munger,
Hall Anderson,	James W. Irwin,	Robert A. Patterson,
Camden M. Ballard,	Alfred Johnston,	Hamilton Pope,
James P. Barbour,	John C. Kouns,	Thomas Rouse,
William C. Bullock,	John W. Leathers,	Robert S. Russell,
Walter Chiles,	Thomas P. Linthicum,	James M. Shepard,
John Eaker,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	William N. Marshall,	Caleb B. Wallace,
Richard C. Graves,	Daniel Morgan,	Thomas I. Young—27.

Those who voted in the negative, were

John P. Bruce,	Overton P. Hogan,	Nathaniel P. Saunders,
Joshua Buster,	Camden Riley,	Thomas J. Smith,
Sam. Daviess Delany,	John W. Ritter,	William Sterett—10.
James W. Hays,		

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
March 5, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent,
William Henderson, to be Notary Public for the county of Jefferson.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

The Senate resumed the consideration of the bill from the House of Representatives, entitled, an act to apportion representation.

The Senate, according to order, took up for consideration the motion made by Mr. Hays, on yesterday, to reconsider the vote adopting the amendment to the first section of said bill, moved by Mr. Delany, on Monday last.

Said amendment is to strike out the representation in the sixth district, and insert in lieu thereof the following, viz:

To the county of Madison two, Garrard one, Whitley one, Knox one, Laurel and Rockcastle one, Letcher, Pike, and Perry one, Clay, Owsley, and Harlan one, Floyd and Johnson one, Estill one.

And the question being taken on reconsidering the vote by which said amendment was adopted, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
Hall Anderson,	Elihu Hogan,	Robert A. Patterson,
Camden M. Ballard,	Overton P. Hogan,	Hamilton Pope,
James P. Barbour,	James W. Irwin,	John W. Ritter,
John P. Bruce,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Robert S. Russell,
Joshua Buster,	John W. Leathers,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
John Eaker,	Beriah Magoffin,	Caleb B. Wallace,
Abijah Gilbert,	Daniel Morgan,	Thomas I. Young—31.
Richard C. Graves,		

Those who voted in the negative, were

Sam. Daviess Delany,	Camden Riley,	William Sterett—5.
Wm. N. Marshall,	Thomas J. Smith,	

The question was again taken on the adoption of said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Delany and Young, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	Camden Riley,	Thomas J. Smith,
Sam. Daviess Delany,	Robert S. Russell,	William Sterret,
John C. Kouns,	Nathaniel P. Saunders,	Thomas I. Young—10.
Wm. N. Marshall,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Daniel Morgan,
Hall Anderson,	James W. Hays,	Fitch Munger,
Camden M. Ballard,	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	Overton P. Hogan,	John W. Ritter,
William C. Bullock,	James W. Irwin,	Thomas Rouse,
Joshua Buster,	Alfred Johnston,	James M. Shepard,
Walter Chiles,	John W. Leathers,	Berry Smith,
John Eaker,	Thomas P. Linthicum,	Caleb B. Wallace—26.
Abijah Gilbert,	Beriah Magoffin,	

Mr. Delany moved a reconsideration of the vote rejecting the amendment to the first section of said bill, moved by Mr. Bruce on Monday last.

Said amendment proposed to strike out the representation in the sixth district, and insert in lieu thereof the following, viz:

To the county of Madison one, Garrard one, Whitley one, Knox one, Estill one, Laurel and Rockcastle one, Clay and Owsley one, Harlan and Perry one, Pike and Letcher one, Floyd and Johnson one.

And the question being taken on reconsidering the vote by which said amendment was rejected, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Robert S. Russell
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	Berry Smith,
John Eaker,	William N. Marshall,	Thomas J. Smith,
Overton P. Hogan,	John W. Ritter,	Thomas I. Young—19.
James W. Irwin,		

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	RobertA. Patterson,
Camden M. Ballard,	James W. Hays,	Hamilton Pope,
James P. Barbour,	Elihu Hogan,	Camden Riley,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Walter Chiles,	Daniel Morgan,	William Sterett,
Abijah Gilbert,	Fitch Munger,	Caleb B. Wallace—18.

The question was again taken on the adoption of said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Young, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	John W. Ritter,
John P. Bruce,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John C. Kouns,	Robert S. Russell,
Sam. Daviess Delany,	John W. Leathers,	Nathaniel P. Saunders,
John Eaker,	Beriah Magoffin,	Thos. J. Smith,
Overton P. Hogan,	William N. Marshall,	Thomas I. Young—18.

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	Hamilton Pope,
Camden M. Ballard,	Elihu Hogan,	Camden Riley,
James P. Barbour,	Thomas P. Linthicum,	James M. Shepard,
Wm. C. Bullock,	Daniel Morgan,	Berry Smith,
Walter Chiles,	Fitch Munger,	William Sterett,
Abijah Gilbert,	Robert A. Patterson,	Caleb B. Wallace—19.
Richard C. Graves,		

Mr. Magoffin moved to strike out the second section of said bill, and insert in lieu thereof the following, viz:

§ 2. That for the purpose of apportioning the representation in the Senate, the state is hereby laid off into thirty-eight Senatorial districts, as follows, viz:

The counties of Fulton, Hickman, Ballard, and Graves, shall compose the first Senatorial district; McCracken, Calloway, Marshall, and Livingston, the second; Crittenden, Union, and Henderson, the third; Caldwell and Hopkins the fourth; Trigg and Christian the fifth; Todd, Muhlenburg, and Butler, the sixth; Logan and Warren the seventh; Simpson, Allen, and Monroe, the eighth; Barren and Hart the ninth; Edmonson, Grayson, and Hardin, the tenth; Ohio and Daviess the eleventh; Hancock, Breckinridge, and Meade, the twelfth; the first six wards of the city of Louisville the thirteenth; the residue of Jefferson

county the fourteenth; Bullitt, Spencer, and Nelson, the fifteenth; Marion, Taylor, and Casey, the sixteenth; Larue, Green, and Adair, the seventeenth; Russell, Cumberland, Clinton, and Wayne, the eighteenth; Lincoln and Pulaski the nineteenth; Boyle, Garrard, and Jessamine, the twentieth; Mercer and Washington the twenty-first; Anderson, Woodford, and Franklin, the twenty-second; Shelby and Oldham the twenty-third; Henry, Trimble, and Carroll, the twenty-fourth; Boone, Gallatin, and Grant, the twenty-fifth; Owen and Scott the twenty-sixth; Harrison and Nicholas the twenty-seventh; Fayette and Bourbon the twenty-eighth; Clarke and Madison the twenty-ninth; Bath, Montgomery, and Estill, the thirtieth; Rockcastle, Laurel, Whitley, and Knox, the thirty-first; Owsley, Breathitt, Clay, Perry, Harlan, and Letcher, the thirty-second; Pike, Floyd, Johnson, and Morgan, the thirty-third; Lawrence, Carter, and Greenup, the thirty-fourth; Fleming and Lewis the thirty-fifth; Mason and Bracken the thirty-sixth; Pendleton and Campbell the thirty-seventh; Kenton the thirty-eighth.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Magoffin and Hays, were as follows, viz:

Those who voted in the affirmative, were

John Eaker,	John W. Leathers,	Nathaniel P. Saunders,
Overton P. Hogan,	Beriah Magoffin,	Berry Smith,
Alfred Johnston,	William N. Marshall,	Thomas J. Smith,
John C. Kouns,	Thomas Rouse,	Thomas I. Young—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Robert A. Patterson,
Hall Anderson,	Richard C. Graves,	Hamilton Pope,
Camden M. Ballard,	James W. Hays,	Camden Riley,
James P. Barbour,	Elihu Hogan,	John W. Ritter,
John P. Bruce,	James W. Irwin,	Robert S. Russell,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Joshua Buster,	Daniel Morgan,	William Sterett
Walter Chiles,	Fitch Munger,	Caleb B. Wallace—25.
Sam. Daviess Delany,		

Mr. Anderson moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Hamilton Pope,
Hall Anderson,	James W. Hays,	Camden Riley,
Wm. C. Bullock,	Elihu Hogan,	John W. Ritter,
Walter Chiles,	Thomas P. Linthicum,	William Sterett,
Abijah Gilbert,	Daniel Morgan,	Caleb B. Wallace—15.

Those who voted in the negative, were

Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
John P. Bruce,	John W. Leathers,	Nathaniel P. Saunders,
Joshua Buster,	Beriah Magoffin	James M. Shepard,
Sam. Daviess Delany	William N. Marshall,	Berry Smith,
John Eaker,	Fitch Munger,	Thomas J. Smith,
Overton P. Hogan,	Robert A. Patterson,	Thomas I. Young—22.
James W. Irwin,		

Mr. Saunders moved to strike out the second section of said bill, and insert in lieu thereof the following, viz:

§ 2. That for the purpose of apportioning the representation of the Senate, the State is hereby laid off into thirty-eight Senatorial Districts, as follows, viz:

The counties of Fulton, Hickman, Ballard, and Graves, shall compose the first Senatorial district; Union, Hopkins, and Crittenden, the second; Calloway, Trigg, and Marshall, the third; Christian and Todd the fourth; Logan, Simpson, and Butler, the fifth; Daviess and Henderson the sixth; Warren, Allen, and Edmonson, the seventh; Barren and Monroe the eighth; Caldwell, Livingston, and McCracken, the ninth; Hancock, Grayson, and Breckinridge, the tenth; Ohio and Muhlenburg the eleventh; Hardin and Meade the twelfth; Louisville city the thirteenth; Jefferson and Bullitt the fourteenth; Oldham, Trimble, and Henry, the fifteenth; Shelby and Franklin the sixteenth; Nelson, Larue, and Spencer, the seventeenth; Green, Hart, and Taylor, the eighteenth; Clinton, Cumberland, Wayne, and Russell, the nineteenth; Boyle, Adair, and Casey, the twentieth; Marion and Washington, the twenty-first; Mercer and Anderson the twenty-second; Lincoln and Pulaski the twenty-third; Madison and Garrard the twenty-fourth; Laurel, Whitley, Knox, and Rockcastle, the twenty-fifth; Gallatin, Carroll, and Boone, the twenty-sixth; Kenton and Campbell the twenty-seventh; Grant, Pendleton, and Owen, the twenty-eighth; Harrison and Bracken the twenty-ninth; Carter, Greenup, and Lawrence, the thirtieth; Bath and Morgan the the thirty-first; Floyd, Pike, Johnson, and Breathitt, the thirty-second; Clay, Owsley, Letcher, Perry, and Harlan, the thirty-third; Clarke, Montgomery, and Estill, the thirty-fourth; Mason and Nicholas the thirty-fifth; Fleming and Lewis the thirty-sixth; Bourbon and Scott the thirty-seventh; Fayette, Woodford, and Jessamine the thirty-eighth.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Saunders and Graves, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	Overton P. Hogan,	Nathaniel P. Saunders,
Sam. Davis Delany,	John C. Kouns,	Berry Smith,
John Eaker,	Thomas Rouse	Thomas J. Smith,
Alfred Johnston,	Robert S. Russell,	Thomas I. Young—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
Hall Anderson,	Elihu Hogan,	Robert A. Patterson,
Camden M. Ballard,	James W. Irwin,	Hamilton Pope,
James P, Barbour,	John W. Leathers,	Camden Riley,
William C. Bullock,	Thomas P. Linthicum,	John W. Ritter,
Walter Chiles,	Beriah Magoffin,	James M. Shepard,
Abijah Gilbert.	William N. Marshall,	William Sterett,
Richard C. Graves,	Daniel Morgan,	Caleb B. Wallace—24.

The question was then taken on reading said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Saunders and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Hamilton Pope,
Hall Anderson,	James W. Hays,	Camden Riley,
Camden M. Ballard,	Elihu Hogan,	John W. Ritter,
James P. Barbour,	James W. Irwin,	James M. Shepard,
William C. Bullock,	Thomas P. Linthicum,	Berry Smith,
Joshua Buster,	Daniel Morgan,	William Sterett,
Walter Chiles,	Fitch Munger,	Caleb B. Wallace—22.
Abijah Gilbert,		

Those who voted in the negative, were

John P. Bruce,	John C. Kouns,	Thomas Rouse,
Sam. Daviess Delany,	John W. Leathers,	Robert S. Russell,
John Eaker,	Beriah Magoffin,	Nathaniel P. Saunders,
Overton P. Hogan,	William N. Marshall,	Thomas J. Smith,
Alfred Johnston,	Robert A. Patterson,	Thomas I. Young—15.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Johnston and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Camden Riley,
Hall Anderson,	James W. Hays,	John W. Ritter,
Camden M. Ballard,	Elihu Hogan,	Robert S. Russell,
James P. Barbour,	James W. Irwin,	James M. Shepard,
William C. Bullock,	Thomas P. Linthicum,	Berry Smith,
Joshua Buster,	Daniel Morgan,	William Sterett,
Walter Chiles,	Fitch Munger,	Caleb B. Wallace—23.
Abijah Gilbert,	Hamilton Pope,	

Those who voted in the negative, were

John P. Bruce,	John C. Kouns,	Thomas Rouse,
Sam. Daviess Delany,	John W. Leathers,	Nathaniel P. Saunders,

John Eaker, Beriah Magoffin, Thomas J. Smith,
Overton P. Hogan, William N. Marshall, Thomas I. Young—15.
Alfred Johnston, Robert A. Patterson,

Resolved, That the title of said bill be as aforesaid.

And then the Senate adjourned.

THURSDAY, MARCH 6, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act further to provide for the collection of tolls on Kentucky, Green, and Barren rivers.

An act to amend an act, entitled, an act to charter the Bowlinggreen and Tennessee Railroad Company.

An act allowing an additional Magistrates' and Constables' District in Scott county.

An act authorizing the construction of a mill dam across Pond river.

An act authorizing the Allen County Court to subscribe stock in the Louisville and Nashville Railroad.

With amendments to the two last named bills.

That they had passed bills of the following titles, viz:

An act for the benefit of Aaron Dawson, Edward, McClure, and John L. McCann.

An act to amend an act, entitled, an act to incorporate the Louisville and Nashville Railroad Company, approved March 4, 1850.

1. Mr. Leathers presented the petition of sundry citizens of Kenton county, praying the repeal of the law authorizing a tax for the construction of the Covington and Lexington Railroad.

2. Mr. Gilbert presented the petition of sundry citizens of Perry county, praying to be added to the county of Owsley.

Which petitions were received, the readings dispensed with, and referred—the 1st to the committee on Internal Improvement; and the 2d to the committee on Propositions and Grievances.

Mr. Gilbert, from a select committee, reported a bill legalizing the proceedings of the Owsley County Court, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Magoffin, from the committee on the Court of Appeals, reported a bill to provide for a special Court of Appeals, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order for Friday, the 7th inst.

Mr. Wallace, from the committee on Education, reported a bill to provide for the payment of the unpaid orders of the School Commissioners, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bill was dispensed with,

And after some discussion thereon, the hour for the orders of the day arrived.

The Senate resolved itself into a committee of the whole, Mr. Linthicum in the Chair, on the bill to amend the charter of the Southern Bank of Kentucky, and the substitute therefor; and after some time spent therein, the Speaker resumed the Chair, when Mr. Linthicum reported that the committee had, according to order, had under consideration the bill and substitute aforesaid, and had instructed him to report the same to the Senate without amendment.

And then the Senate adjourned.

FRIDAY, MARCH 7, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled,

An act to incorporate Union College, in the town of Morganfield, in Union county.

That they had passed bills of the following titles, viz:

An act repealing an act, approved January 21, 1851, in regard to Three Mile Creek, in Lawrence county, and declaring said creek navigable.

An act to give to the Carroll County Court control of the State roads in said county.

An act to amend an act, entitled, an act to incorporate the Maysville, Orangeburg, and Mount Carmel Turnpike Road Company.

An act to amend the charter of the town of Paducah.

An act to amend an act, entitled, an act incorporating the Trustees of the Parochial School of the Hanging Fork Presbyterian Church, approved February 9, 1850.

An act for the benefit of certain Common School Districts in Henderson, Henry, and Monroe counties.

An act for the benefit of Newcastle School District, in Henry county.

1. Mr. Bullock presented the petition of sundry citizens of the fourth Magistrates' and Constable's District, in Shelby county, praying the passage of a law to change the place of voting in said District.

2. Mr. Pope presented the petition of the Mayor and Council of the city of Louisville, praying the passage of a law to repeal the 5th section of an act of last session, amending the charter of said city.

3. Mr. Riley presented the petition of John G. Holloway, of Henderson county, praying to be added to District No. 5, in said county.

4. Mr. Kouns presented the petition of the Commissioners appointed to divide Carter county into Magistrates' and Constables' Districts, praying the passage of a law to change the boundaries of certain of said Districts.

Which petitions were received, the reading dispensed with, and referred—the 1st to the committee on County Courts; the 2d to the committee on the Judiciary; and the 3d and 4th to the committee on Propositions and Grievances.

The Senate resumed the consideration of the bill to provide for the payment of the unpaid orders of the School Commissioners.

Ordered, That the further consideration of said bill be postponed, and made the special order for Wednesday, the 12th inst.

The following bills were reported, viz:

By Mr. Bullock, from the committee on County Courts—A bill to change the place of voting in the fourth District in Shelby county.

By Mr. Bullock, from the committee on the Judiciary—A bill to amend an act, entitled, an act to incorporate the town of Shelbyville, approved February 21, 1846.

By Mr. Pope, from the same committee—A bill for the benefit of Chas. C. Kelly, Clerk of the Washington Circuit Court.

By same—A bill allowing the Clerk of the Washington Circuit Court further time to collect fee bills.

By same—A bill to establish a Police Court in the town of Caseyville.

By Mr. Shepard, from a select committee—A bill to amend an act, entitled, an act to amend and to reduce into one the several acts relating to the town of Georgetown, approved March 1, 1847.

By Mr. Patterson, from a select committee—A bill for the benefit of Elizabeth C. Flournoy, of McCracken county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Baker, from a select committee, reported a bill to define the duties of the Auditor of Public Accounts, and of the Second Auditor, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be made the special order for Monday, the 10th instant, at 10 o'clock, and that the Public Printer print 150 copies thereof, for the use of the General Assembly.

Leave was given to bring in the following bills, viz:

On motion of Mr. Irwin—1. A bill for the benefit of the town of Russellville.

On motion of Mr. Ballard—2. A bill for the benefit of C. N. Carder, Constable of Oldham county.

The committee on Internal Improvement was directed to prepare and bring in the 1st, and the committee on the Judiciary the 2d.

On motion of Mr. Kouns,

Ordered, That leave of absence, for a few days, be granted to Mr. Linthicum.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, MARCH 7, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent,

James T. Ware, to be Brigadier General of the 4th Brigade, in place of Addison L. Thompson, resigned.

Aaron H. Wheeler, to be Brigadier General of the 25th Brigade, in place of William B. Hopkins, resigned.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled, an act to charter the Bowlinggreen and Tennessee Railroad Company.

An act allowing an additional Magistrates' and Constables' District in Scott county.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

A bill from the House of Representatives, entitled, an act for the benefit of Common Schools in Anderson county, was taken up.

Ordered, That said bill be referred to the committee on Education.

The Senate resumed the consideration of the bill to amend the charter of the Southern Bank of Kentucky.

Mr. Speaker (Grey) withdrew his amendment to said bill.

Said bill was amended, to read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the several acts concerning the Southern Bank of Kentucky, as require said bank to establish or locate a branch or branches in any place or district or districts of counties is hereby repealed; and the said bank is authorized to establish, in addition to the branch at Smithland, and the branch at Owensboro', already located, four more branches—two south and two north of Green river—at such times and places as said bank may deem proper; and the directors of the principal bank of said Southern Bank are authorized to apportion and distribute the capital, between the principal bank and branches, in such amounts and in such manner as they may deem prudent; and said bank is authorized to issue notes of a less denomination than five dollars, but not less than one dollar: *Provided*, that this act shall take effect at the expiration of thirty days from its passage, unless the president and directors of said bank shall file their objections with the governor of this commonwealth, within the said thirty days.

Mr. Eaker moved to amend said bill, by substituting in lieu thereof the following, viz:

Whereas, the charter of the Southern Bank of Kentucky authorizes five branches—one branch in some one of the counties composing each branch bank district, as designated in the charter. The charter also provides, that if the whole stock shall not be sold before the organization

of the principal bank, that then the President and Directors shall cause the books to be re-opened in those districts where branches have not been located, "and allow to the subscribers of stock at those places the like terms as if they had been original subscribers." It also appears that the stock necessary to put a branch in operation, was not subscribed for in but two of said branch bank districts, and that only two branches have yet been established; but that the commissioners for opening the books of subscribtion of stock in said bank, did not comply with the provisions of the charter in advertising and appointing persons in the three defaulting districts, to open books and superintend the taking of stocks in said district—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of said principal bank shall cause books to be opened in October next, at three different places in each one of the three branch bank districts, where no branch has yet been located for the subscription of stock in said bank; and in so doing, they shall comply strictly with all the requisitions of the charter; and said bank is hereby authorized to issue notes of a less denomination than five dollars, but not less than one dollar: *Proidvd*, that when the branch is located in the district composed of the counties in which the county of Greenup is included, said branch shall be located in the town of Greenupsburg; *Provided*, that said bank shall pay on each hundred dollars of stock a tax of fifty cents, which shall go into the sinking fund.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Buster and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John Eaker,	Alfred Johnston,
John P. Bruce,	James W. Hays,	Thomas Rouse,
Joshua Buster,	Elihu Hogan,	James M. Shepard,
Sam. Daviess Delany,	Overton P. Hogan,	Caleb B. Wallace—12.

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	Camden Riley,
Camden M. Ballard,	Beriah Magoffin,	John W. Ritter,
James P. Barbour,	William N. Marshall,	Robert S. Russell,
William C. Bullock,	Daniel Morgan,	Thomas J. Smith,
Abijah Gilbert,	Fitch Munger,	William Sterett,
Richard C. Graves,	Robert A. Patterson,	Thomas I. Young—20.
James W. Irwin,	Hamilton Pope,	

The question was then taken on engrossing and reading said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Russell, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Camden Riley,
Camden M. Ballard,	John C. Kouns,	John W. Ritter,

James P. Barbour, Beriah Magoffin, Robert S. Russell,
John P. Bruce, Daniel Morgan, Thomas J. Smith,
William C. Bullock, Fitch Munger, William Sterett,
Abijah Gilbert, Robert A. Patterson, Caleb B. Wallace,
Richard C. Graves, Hamilton Pope, Thomas I. Young—21.

Those who voted in the negative, were

Mr. Speaker, (Grey,) James W. Hays, Wm. N. Marshall,
Walter Chiles, Elihu Hogan, Thomas Rouse,
Sam. Daviess Delany, Overton P. Hogan, James M. Shepard—11.
John Eaker, Alfred Johnston,

Mr. Eaker moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative—(four fifths not voting therefor.)

The yeas and nays being required thereon by Messrs. Johnston and Graves, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard, James W. Irwin, John W. Ritter,
James P. Barbour, Beriah Magoffin, Robert S. Russell,
John P. Bruce, Wm. N. Marshall, Nathaniel P. Saunders,
William C. Bullock, Daniel Morgan, James M. Shepard,
Abijah Gilbert, Fitch Munger, Thomas J. Smith,
Richard C. Graves, Robert A. Patterson, William Sterret,
James W. Hays, Hamilton Pope, Caleb B. Wallace,
Elihu Hogan, Camden Riley, Thomas I. Young—26.
Overton P. Hogan,

Those who voted in the negative, were

Mr. Speaker, (Grey,) Sam. Daviess Delany, Alfred Johnston,
Hall Anderson, John Eaker, Thomas Rouse—7.
Joshua Buster,

Mr. Anderson moved a reconsideration of said vote.

And the question being taken thereon, it was decided in the affirmative.

The question was again taken on dispensing with the third reading of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson, Overton P. Hogan, Camden Riley,
Camden M. Ballard, James W. Irwin, John W. Ritter,
James P. Barbour, John C. Kouns, Robert S. Russell,
John P. Bruce, Beriah Magoffin Nathaniel P. Saunders,
Wm. C. Bullock, William N. Marshall, James M. Shepard,
Abijah Gilbert, Daniel Morgan, Thomas J. Smith,
Richard C. Graves, Fitch Munger, William Sterett,
James W. Hays, Robert A. Patterson, Caleb B. Wallace,
Elihu Hogan, Hamilton Pope, Thomas I. Young—27.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Sam. Daviess Delany	Alfred Johnston,
Joshua Buster,	John Eaker,	Thomas Rouse—6.

Mr. Irwin moved to amend said bill, by adding thereto the following engrossed clause, by way of ryder, viz:

Provided, That said Bank shall, on the first Monday in July in each year, pay into the Treasury an annual tax of fifty cents on each one hundred dollars of stock paid in, which shall be in aid of the Sinking Fund.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Eaker and Graves, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
James P. Barbour,	Overton P. Hogan,	John W. Ritter,
John P. Bruce,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	Alfred Johnston,	Robert S. Russell,
Joshua Buster,	John C. Kouns,	Nathaniel P. Saunders,
Sam. Daviess Delany,	William N. Marshall,	James M. Shepard,
John Eaker,	Daniel Morgan,	Thomas J. Smith,
Abijah Gilbert,	Fitch Munger,	Caleb B. Wallace,
James W. Hays,	Hamilton Pope,	Thomas I. Young—27.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	William Sterett—5.
Camden M. Ballard,	Robert A. Patterson,	

Mr. Irwin moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Young, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	John W. Ritter,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
Wm. C. Bullock,	William N. Marshall,	Nathaniel P. Saunders,
Abijah Gilbert,	Daniel Morgan,	Thos. J. Smith,
Richard C. Graves,	Robert A. Patterson,	William Sterett,
James W. Hays,	Camden Riley,	Thomas I. Young—21.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John Eaker,	Hamilton Pope,
John P. Bruce,	Overton P. Hogan,	James M. Shepard,
Joshua Buster,	Alfred Johnston,	Caleb B. Wallace—11.
Sam. Daviess Delany,	Fitch Munger,	

The main question was then put—"shall said bill pass?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Johnston, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	John W. Ritter,
Camden M. Ballard,	John C. Kouns,	Robert S. Russell
James P. Barbour,	Daniel Morgan,	Thomas J. Smith,
William C. Bullock,	Fitch Munger,	William Sterett,
Abijah Gilbert,	Robert A. Patterson,	Caleb B. Wallace,
Richard C. Graves,	Hamilton Pope,	Thomas I. Young—20.
Elihu Hogan,	Camden Riley,	

Those who voted in the negative, were

Mr. Speaker (Grey,)	John Eaker,	William N. Marshall,
John P. Bruce,	James W. Hays,	Thomas Rouse,
Joshua Buster,	Overton P. Hogan,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Alfred Johnston,	James M. Shepard—12.

Resolved, That the title of said bill be as aforesaid.

The Senate then took up for consideration a bill from the House of Representatives, entitled, an act to establish a Code of Practice in civil cases in the Courts of this Commonwealth.

And after some discussion thereon, the Senate adjourned.

SATURDAY, MARCH 8, 1851.

A message was received from the House of Representatives, announcing their disagreement to a bill from the Senate, entitled, an act for the benefit of John Goodin.

That they had passed bills from the Senate, of the following titles, viz:

An act to incorporate the Deposit Bank of Maysville.

An act to organize County Courts in the several counties.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

1. An act authorizing the County Courts of sundry counties to subscribe stock in Railroad Companies.

2. An act to authorize the commandant of the 36th Regiment of militia to collect fines assessed in 1849.

3. An act for the benefit of the National Guards of the city of Louisville.

4. An act to allow John A. Hunt, of Laurel county, to vend goods, wares, and merchandise, without license.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 2d was referred to the committee on Military Affairs; the 4th to the committee on Finance; and the 1st and 3d were ordered to be read a third time.

The constitutional provision as to the third reading of the 1st and 3d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Riley presented the petition of sundry citizens of Daviess county, praying the passage of a law appropriating five thousand dollars, for five years, to aid in colonizing the free negroes of this State, in Liberia.

Which petition was received, the reading dispensed with, and referred to Messrs. Bullock, Wallace, Magoffin, Graves, Pope, and Irwin.

Mr. Shepard moved a reconsideration of the votes passing and ordering to a third reading a bill to amend an act, entitled, an act to amend and reduce into one the several acts relating to the town of Georgetown, approved March 1, 1847.

And the question being taken thereon, it was decided in the affirmative.

Said bill was amended, and ordered to be re-engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being re-engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Delany, from the committee on Banks, reported a bill to incorporate the Deposit Bank of Danville, which was read the first time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established the "Deposit Bank of Danville," with a capital of fifty thousand dollars, to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style aforesaid, and shall so continue a body politic and corporate until the

first day of June, 1880, and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of all such real estate, goods, effects, and chattels, as shall be convenient for the transaction of its business, (provided the value thereof shall not exceed ten thousand dollars,) or which may be conveyed to said institution as surety for any debt, or which may be received in discharge of any debt or purchase in satisfaction of any judgment or decree in its favor, or in the purchase of any property on which it may have a lien; and said institution may have and use a common seal—change, alter, and renew the same at pleasure—and may ordain and put in execution such by-laws, rules, and regulations for the government of the same as may be deemed necessary: *Provided*, they be not contrary to the constitution and laws of this state, or the United States.

§ 2. That the business of the institution shall be, to receive money on deposit, upon which it shall pay an interest to the depositor of not more than six per cent., nor less than two per cent. per annum, as it may choose, dependent upon the length of time for which said deposit may be made; to loan money, discount promissory notes and bills of exchange; the promissory notes made payable to any person or persons, or order, or payable to this institution or order, and negotiable and payable at their banking house, or at any bank or office of discount and deposit, or branch of any bank, and indorsed to and discounted by said institution, shall be and they are hereby put upon the same footing as foreign bills of exchange, and remedy may be had, jointly and severally, against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity or priority of payment than other notes; and the said institution shall not, directly or indirectly, deal or trade in any thing except loaning of money and exchange, and in gold or silver coin or bullion, or in the sale of goods, chattels, rights and credits, really and truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its lands.

§ 3. The institution shall not at any time owe, either by bond, bill, note, or other contract, an amount exceeding twice the amount of capital stock actually paid in, exclusive of sums due on deposit; and, in cases of excess, the president and directors under whose administration it shall have taken place, shall be liable for any or all the debts of said institution, in their individual capacities, by joint and several actions of debt against them, or any of them, their heirs, executors, or administrators, in any court having jurisdiction thereof, and by any creditor or creditors of the same, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, that if the president or any of the directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess or dissent thereof, make affi-

davit of their absence or dissent, and file the same for record with the recording officer of the city or county, and, moreover, within ten days give notice thereof in some newspaper printed in Danville, and transmit a copy thereof to the governor of this state, and shall, in said notice, call a meeting of the shareholders, which they are hereby authorized to do.

§ 4. Said institution shall not, at any time, fail or refuse to pay its deposits in gold or silver, or currency of the like kind and value of that deposited; and, in case the officers, in the usual business hours at their banking house, shall refuse or unreasonably delay payment as aforesaid, then demandable by any person entitled to receive the same, said institution shall be liable to pay damages, at the rate of twelve per cent. per annum, on the amount thereof, from the time of such failure, refusal, or delay, until payment thereof; and for such failure or refusal, or for any violation of this charter, the same shall be forfeited, and a *scire facias* shall be sued out in the name of the commonwealth, by the attorney general, and such proceedings be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said institution from suing and being sued, and continuing its operations for the purpose of closing its concerns, nor from making any contract that may be convenient and proper for that purpose.

§ 5. That the real and personal estate, business, property, funds, and prudential concerns of the said institution shall be under the direction and control of five directors, who shall be stockholders, and after the first election shall have been stockholders at least three months previous to their election; they shall be residents of this state, and citizens of the United States, and after the first election they shall be elected annually on the first Monday in May. Each director shall be a stockholder in his own right. They shall hold their offices for one year, and until their successors shall be chosen. All elections, after the first, shall be conducted by two at least of the stockholders, acting under oath, appointed by the directors. The stockholders so appointed shall give at least thirty days' notice of the time and place of said election. The election shall be by plurality of votes, to be counted and read in public after they are taken. No director or officer of any bank shall be eligible as a director in this institution, and any director becoming a director or officer of a bank, or while under protest in this institution for the non-payment of debt, shall be held to have vacated his office; nor shall two partners in trade, nor shall one partner while another is a director in a bank, be eligible as directors in this institution, at one and the same time; and if the president or any director or officer of the institution shall fail or become insolvent after his election or appointment, he shall become incapable to serve, and shall be held to have vacated his place; nor shall he be appointed to serve in this institution until his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business be eligible to the office of president, director, or other officer, until all his debts are paid, or he fully discharged therefrom. If, from any cause, an election should not be held on the day fixed by this charter, it shall be the duty of the board to give notice immediately, as

before required, that an election will be held on the first Monday in June following; and said election shall be conducted as required in the regular elections.

§ 6. That at all meetings of the stockholders, and at all elections under this charter, each shareholder shall be entitled to one vote for every share held in his own right, up to ten; one vote for every five shares over ten, up to fifty, and one vote for every ten shares over fifty. After the first election, no share shall entitle the holder to a vote unless the same has been held by the person claiming to vote, at least three months prior to the time, and so appear on the books of the institution. Any stockholder entitled to vote may do so in person or by proxy; such proxy being granted to a stockholder who is not either president, director, or other officer in the same; and no person who is not a citizen of the United States shall be permitted to vote on his stock.

§ 7. That the directors shall elect one of their own number as president, who shall preside at all meetings; and in case of a vacancy in said office, the residue of the directors shall elect a president, *pro tem.* They shall fill all vacancies which may occur in their own body, and appoint such officers, clerks, and servants as deemed expedient; fix their compensation, define their powers and prescribe their duties, and shall require of them such bonds, penalties, and securities as deemed requisite for the security of the institution; which bonds shall be examined at least once a year, and be renewed from time to time, so as to secure the institution from loss; and all such officers shall hold their places during the pleasure of the board.

§ 8. The president and directors (any three of whom may constitute a quorum for the transaction of business) may, from time to time, make such by-laws, rules, and regulations for the government of the institution as deemed expedient, not contrary to the provisions of this charter, or the by-laws and rules which the stockholders at their annual or other meetings may, from time to time, prescribe: *Provided*, that for that purpose a concurrence of a majority of all the directors shall be necessary.

§ 9. The president and directors shall hold stated meetings at least once a week, and called meetings may be had whenever deemed necessary. All questions before the board shall be taken *viva voce;* and the yeas and nays on any proposition submitted shall be entered of record, at the request of any two members; and no vote shall be reconsidered when a less number is present than when the vote was given.

§ 10. It shall be the duty of the president, on the first day of July, 1851, and on the first day of July in each succeeding year, to pay to the treasury of this state twenty-five cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus: *Provided*, that the legislature may increase or diminish the same, but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said institution.

§ 11. That it shall be the duty of the president and directors, and they are hereby required, as often as once every three months, to cause a strict examination to be made of the cash and cash accounts of the institution, and a full and complete statement shall be made out and entered on the journal of the proceedings of the board.

§ 12. That it shall not be lawful for the cashier, clerks, teller, or other

subordinate officers, either directly or indirectly, to engage in or carry on any other business than that of said institution, without the special leave of the president and directors; nor shall any of them, either directly or indirectly, become indebted to the same, either as borrower, indorser, surety, or otherwise.

§ 13. That if the cashier, clerks, teller, agent, or other officer shall, without the authority of the president and directors, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall wilfully fail to make correct entries, or shall knowingly make false entries on the books of the institution, with intent to cheat or defraud the corporation or any other person, to hide or conceal any improper appropriation of the funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state, for a period of not less than two nor more than twenty years.

§ 14. The president and directors shall keep a record of their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open to inspection by the governor, or by any person duly authorized by him, or to any committee appointed by the legislature.

§ 15. It shall be the duty of the president and directors, during the first week of each session of the legislature, to transmit to the secretary of state an accurate and just statement of the condition of the institution; which statement shall specify the amount of stock actually paid in, and the amount not paid in, and the value of the real estate belonging thereto, and its cost; the total amount of debts due to and from the institution; the amount of gold and silver, and other coined metal and bullion on hand; the amount deposited; the amount of bills of banks; the amount of notes and bills of exchange due the same; the rate and amount of each dividend of profits, with the amount of surplus profits or contingent fund; which statement the governor shall cause to be laid before the legislature; and they shall, when required by the legislature, report all bad and doubtful debts.

§ 16. The president, cashier, and other officers, before entering upon the discharge of their respective duties, shall take an oath before some judicial officer, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules, and regulations of the corporation.

§ 17. This institution shall not contract for or receive a greater rate of interest than at the rate of six per cent. per annum for the loan or use of money; and interest on promissory notes, negotiable and payable at the same and there discounted, shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance and on banking principles, in conformity with Rowlett's tables of discount and interest.

§ 18. The president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place as the president and directors shall, by their by-laws, prescribe;

certificates of deposit shall be obligatory on said institution, and shall be transferable or assignable, when made payable to order.

§ 19. The general meeting of the stockholders shall be held annually on the first Monday in May in each year, in the town of Danville, at the time of the annual election, to which meeting the president and directors shall present an accurate statement of the condition and affairs of the institution; and general meetings of the stockholders may be called as provided in this charter, or by the president and directors when they deem it desirable, or by any number of the stockholders the by-laws shall require.

§ 20. The legislature shall have the right to investigate the situation and affairs of said institution, by any committee they may appoint for that purpose; and the general court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the same. The proceedings shall be by *scire facias*, alledging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the attorney general, when directed to do so by the legislature.

§ 21. That Albert G. Talbott, John R. Ford, Obediah Garnett, James Kinnard, James Barbour, A. D. Myer, James P. Mitchell, John A. Burton, John Wheeler, Wm. W. McDowell, Jeremiah Fields, Charles Henderson, Charles H. Rochester, and C. B. Wallace are hereby constituted commissioners to open books and receive subscriptions for the capital stock of said institution, and to superintend the election of the first board of directors, any three of whom shall be competent to exercise the powers and perform the duties required by this section.

§ 22. The said commissioners shall have power—and they are authorized and required, on the second Monday in April next, or at such other time within two years thereafter as they shall deem expedient, having given not less than thirty days' notice thereof in some newspaper printed in Danville—to open books for the subscription of capital stock of said institution at Danville, and such other places as they may deem advisable, and cause said books to be kept open from 10 o'clock, a. m., until 2 oclock, p. m., for at least ten days, or until at least five hundred shares shall have been subscribed, when the same may be closed; and if more than one thousand shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscription, in such manner that no subscription shall be reduced and leave the subscription of another larger.

§ 23. That if the whole one thousand shares of capital stock shall not be taken when the books shall first be opened, the president and directors may cause the books to be opened at any time and place they may direct, giving thirty days' notice thereof in some newspaper, and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken; and the president and directors may require such premium on the stock sold at the re-opening of the books as they shall deem right; and such premium shall be the property of the institution.

§ 24. That when not less than five hundred shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some newspaper, and ap-

point a day in Danville for the election of the first board of directors, who shall hold their offices until the succeeding annual election; and not less than thirty nor more than sixty days' notice shall be given of the time and place of electing said board; and at least three of said commissioners shall act as inspectors of said election, and shall take the proper oath and perform all the duties of inspectors of elections in like cases.

§ 25. That the payment of the shares of the capital stock held by individuals, companies, and corporations, shall be made in gold and silver, or notes of either of the banks or branch banks in this state, and at the times and in the manner following, viz: five dollars on each share, to the commissioners at the time of subscribing, and five dollars on each share, within ten days after the election of the first board of directors, and five dollars every sixty days thereafter, until the whole amount of said stock is paid: *Provided*, that the board shall have power to prolong the time for the payment of each installment after one-half of the amount of each share shall have been paid.

§ 26. That should any of the subscribers to the stock of said institution fail or refuse to pay for their stock as herein provided, the president and directors, first giving public notice in two or more newspapers for the space of thirty days, by resolution entered on the records, may forfeit such stock, and proceed at such time as they may deem expedient to resell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the institution.

§ 27. That so soon as five thousand dollars of the capital stock shall have been paid in by individuals, companies, or corporations, as heretofore required, the president and directors shall cause the governor to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in, and to take the oath of the president and at least two of the directors, that the same has been paid in as capital stock, *bona fide*, and make due return thereof to him; and on such appearing to be the fact, the governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds herein required, has been done; and the said institution is then hereby authorized to commence operations.

§ 28. That no one individual, company, or corporation, shall be allowed to hold more than one hundred shares of the capital stock of this institution, either in their own names or in the names of others in order to transfer them; and all stock that any individual, company, or corporation, shall take or hold contrary to this provision, shall be forfeited to the institution for the benefit of the other stockholders; and no individual, company, or corporation, shall be allowed, in person or by proxy, to vote at the first election of directors, on any stock which may stand in his, her or their names, without first making oath that the stock, *bona fide*, belongs to them, and is not held in trust for others.

§ 29. That it shall not be lawful for the president or any of the directors to become bound as security or accommodation indorser on any note or bill discounted in said institution; and a violation of the provisions of this section shall subject the person violating the same to a penalty of one thousand dollars, to be recovered by action of debt in the name of the corporation, for its own use and benefit.

§ 30. That said institution shall not make any loan of money, or discount

any note or bill in any case whatever, for the purpose of enabling any individual to make payment for its own stock; and no stockholder shall be allowed to pay any debt he may owe the same, by the surrender of stock; and stockholders who shall become indebted to the institution, shall be compelled to pay their debts in all respects as other persons dealing with the same; nor shall any stockholder be allowed to make payment of the shares of stock held by him or them, by means of loan or loans obtained from the institution.

§ 31. That the real estate purchased by this institution, or the legal title of which shall be acquired in any way, (except such as may be held for the purposes mentioned in the first section of this act,) shall be sold within five years after it shall have perfected its title thereto; and on their failure to comply with the provisions of this section, the same shall vest in the commonwealth.

§ 32. That it shall not be lawful for said institution to issue any note or bill to be passed and used as currency; and if it shall so presume to do, the charter shall be forfeited, as provided in the fourth section of this act.

Ordered, That said bill be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by [Messrs. Johnston and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Abijah Gilbert.	Hamilton Pope,
Hall Anderson,	Richard C. Graves,	Camden Riley,
James P, Barbour,	Elihu Hogan,	John W. Ritter,
John P. Bruce,	James W. Irwin,	Robert S. Russell,
William C. Bullock,	John C. Kouns,	James M. Shepard,
Joshua Buster,	William N. Marshall,	Thomas J. Smith,
Walter Chiles,	Fitch Munger,	William Sterett,
Sam. Daviess Delany,	Robert A. Patterson,	Caleb B. Wallace—24.

Those who voted in the negative, were

John Eaker,	Alfred Johnston,	Nathaniel P. Saunders,
James W. Hays,	Thomas Rouse,	Thomas I. Young—7.
Overton P. Hogan,		

Resolved, That the title of said bill be as aforesaid.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the town of New Castle, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hays, from the same committee, to whom was referred a bill for the benefit of the mechanics of Hardin county, reported the same without amendment.

Ordered, That said bill be made the special order for Thursday, the 13th inst.

Mr. Graves, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act providing for the election of Public Printer, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Morgan, from the committee on Propositions and Grievances—A bill for the benefit of John G. Holloway.

By Mr. Bruce, from the committee on Internal Improvement—A bill in relation to the Goose Creek Turnpike Road, in Knox and Clay counties.

By same—A bill to incorporate the Springdale and Tollsburg Turnpike Road Company, in Mason and Lewis counties.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled,

An act to change the time of holding the spring term of the Bracken Circuit Court.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, asking leave to withdraw the announcement of the disagreement of that House, to a bill from the Senate, entitled, an act for the benefit of John Goodin, which was granted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Irwin—1. A bill to establish the place of voting in the Keysburg District, in Logan county.

On motion of Mr. O. P. Hogan—2. A bill for the benefit of the Marshal of the town of Owenton.

On motion of same—3. A bill to amend the charter of the town of Crittenden.

On motion of Mr. Rouse—4. A bill to amend the road law of Boone county.

On motion of same—5. A bill to amend the charter of the Glencoe Turnpike Road Company, in Gallatin county.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d; Messrs. O. P. Hogan, Rouse, and Eaker, the 3d; and the committee on Internal Improvement the 4th and 5th.

A message was received from the Governor, by Mr. Smith, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act authorizing Christian county to be divided into not less than seven, nor more than eleven districts, for the election of Justices of the Peace and Constables. Approved February 27, 1851.

An act in relation to the city of Newport.
Approved February 28, 1851.

An act to amend an act, entitled, an act to incorporate the Hopkinsville Fire, Life, and Marine Insurance Company.

An act to amend the charter of the Taylor County Turnpike Road Company.

An act to incorprate the Mayfield Presbyterial Seminary.

An act for the benefit of Mrs. Ann Ellis, of Todd county.

An act to change the boundary lines of the town of Harrodsburg, and to increase the town tax.

An act to provide for the appointment of Circuit Judges, *pro tem.*

An act to amend an act, entitled, an act to incorporate the Columbus Fire, Life, and Marine Insurance Company.

An act to incorporate the St. Aloysius College, in Louisville.

An act to amend the charter of the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

An act to amend the charter of the Lebanon and Bradfordsville Turnpike Road Company.

An act to amend the charter of the Lebanon and Perryville Turnpike Road Company.

An act to change the place of voting from Mason Gardner's to John F. Blandford's, in Marion county.

An act to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company.

An act to incorporate the Narrow's Bridge Company.

An act to authorize the town of Paducah to subscribe stock in a Plank Road and the Duck River Slackwater Navigation Company.

An act to incorporate the Grand Temple of Honor of the State of Kentucky, and the subordinate Temples. Approved March 3, 1851.

An act allowing an additional Magistrates' and Constables' District in Scott county.

An act to amend an act, entitled, an act to charter the Bowlinggreen and Tennessee Railroad Company. Approved March 7, 1851.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to apportion representation.

An act authorizing the election of officers of the Glasgow and Scottsville Turnpike Road.

An act to extend the duties of Commissioners of Tax.

An act to create the offices of Police Judge and Marshal in the town of Clinton, in Hickman county.

An act to incorporate the Columbus Masonic Seminary, in Hickman county.

An act in relation to Flint Island School District, No. 5, in Breckinridge county.

An act to incorporate the Carrollton Library Society.

An act to prevent the destruction of fish in Barebone creek, in Trimble county.

An act to incorporate the town of Mountsterling.

An act to amend an act, entitled, an act to incorporate the Literary Institution of St. Magdalen, approved December 19, 1839.

An act to incorporate the University of Paducah.

An act for the benefit of Riley McGuire.

An act to authorize the Trustees of Winchester to reduce the width of Main cross street in said town.

An act to incorporate Hancock Mining Company.

An act to amend the charter of the Maysville, Orangeburg, and Mount Carmel Turnpike road.

An act to incorporate a Turnpike road from Germantown to Gault's Mill, on the North fork, in Mason county.

An act to amend an act to revive and amend an act to incorporate the Stanford and Lancaster Turnpike Road Company, approved March 7, 1850.

An act to incorporate the Erodelphian Society of Cumberland College.

An act giving further time to the citizens of Whitley county to return plats of surveys on lands in said county.

An act to change the time of holding the spring term of the Bracken Circuit Court.

And enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Joseph A. Vance.

An act authorizing the Chancellor of the Louisville Chancery Court to direct certain streets in Portland to be closed.

An act to incorporate the Louisville and Mississippi or Ohio River Railroad Company.

An act to incorporate the Breckinridge Savings Bank.

An act further to provide for the collection of tolls on the Kentucky, Green, and Barren rivers.

An act to amend an act, entitled, an act to reduce into one the several acts concerning the town of Portland, approved March 2, 1850.

An act to amend an act, entitled, an act to incorporate the Linden Grove Cemetery Company, approved March 5, 1850.

An act to amend the charter of the Clear Creek Turnpike Road Company, of Shelby county.

An act to incorporate Pikeville Division, No. 79, Sons of Temperance.

An act to incorporate Blandville Lodge, No. 142, of Free and Accepted Masons.

An act for the benefit of the Sheriff of Boone county.

An act to incorporate Union College, in the town of Morganfield, in Union county.

An act to incorporate the Peacock Coal Company, of Owsley county.

An act to amend an act, entitled, an act to incorporate the Shelbyville and Taylorsville Turnpike Road Company.

An act for the benefit of the Sheriff of Lawrence county.

An act in relation to the Internal Improvement Fund of McCracken county.

An act to authorize the sale of the Parsonage of the Glasgow Circuit of the Methodist Episcopal Church, South.

An act for the benefit of the Danville and Hustonville Turnpike Road Company.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to

the Governor for his approval and signature. After a short time Mr. Johnston reported that the committee had performed that duty.

A message, in writing, was received from the Governor, by Mr Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
March 8, 1851.

Gentlemen of the Senate:

I herewith transmit to you, for your consent and approval, the bond of Richard C. Wintersmith, as Treasurer, with C. S. Morehead, Warren Mitchell, William W. McDowell, William Hall, M. D. McHenry, Woodford Hall, John Hall, Charles G. Wintersmith, C. D. Shean, Charles G. Wintersmith, Sr., H. E. English, W. S. English, and H. G. Wintersmith, as his securities, which bond has been approved by me.

JOHN L. HELM.

Ordered, That said bond be referred to the committee on Public Offices.

A message, in writing, was received from the Governor, by Mr. Smith, Assistant Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, MARCH 8, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent, Richard C. Wintersmith, to be Treasurer of the Commonwealth of Kentucky.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish a Code of Practice in civil cases in the Courts of this Commonwealth.

Mr. O. P. Hogan moved to postpone the further consideration of said bill, and make it the special order for Wednesday next, at 10 o'clock.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Overton P. Hogan,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	Daniel Morgan,	Thomas J. Smith,
Walter Chiles,	Fitch Munger,	William Sterett,
Sam. Daviess Delany,	Robert A. Patterson,	Caleb B. Wallace—15.

Those who voted in the negative, were

Hall Anderson,	Abijah Gilbert,	William N. Marshall,
James P. Barbour,	Richard C. Graves,	Hamilton Pope,
John P. Bruce,	James W. Hays,	Nathaniel P. Saunders,
Joshua Buster,	Elihu Hogan,	Thomas I. Young—14.
John Eaker,	Alfred Johnston,	

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to organize County Courts in the several counties, were taken up, twice read, and concurred in.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to regulate the election laws, were taken up.

Ordered, That said amendments be referred to Messrs. Linthicum, Hays, Kouns, Patterson, and Rouse, and that the Public Printer print 150 copies of said bill, as amended, for the use of the General Assembly.

Mr. O. P. Hogan moved the following resolution, viz:

Resolved, That the Public Printer print 1000 copies of the bill to organize County Courts in the several counties, for the use of the Senate.

Which was adopted.

A bill from the House of Representatives, entitled, an act to authorize the several Circuit Courts to change the venue in penal and criminal prosecutions, was taken up.

Ordered, That said bill be referred to the committee on the Judiciary.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act for the benefit of Aaron Dawson, Edward, McClure, and John L. McCann.

2. An act to amend an act, entitled, an act to incorporate the Louisville and Nashville Railroad Company, approved March 4, 1850.

3. An act repealing an act, approved January 21, 1851, in regard to Three Mile Creek, in Lawrence county, and declaring said creek navigable.

4. An act to give to the Carroll County Court control of the State roads in said county.

5. An act to amend an act, entitled, an act to incorporate the Maysville, Orangeburg, and Mount Carmel Turnpike Road Company.

6. An act to amend the charter of the town of Paducah.

7. An act to amend an act, entitled, an act incorporating the Trustees of the Parochial School of the Hanging Fork Presbyterian Church, approved February 9, 1850.

8. An act for the benefit of certain Common School Districts in Henderson, Henry, and Monroe counties.

9. An act for the benfit of Newcastle Common School District, in in Henry county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was referred to the committee on Finance; the 2d, 3d, 4th, and 5th, to the committee on Internal Improvement; the 7th, 8th, and 9th, to the committee on Education; and the 6th was ordered to be read a third time.

The constitutional provision as to the third reading of the 6th bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, MARCH 10, 1851.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled,

An act regulating the distribution and re-investment, of the income of the funds set apart for Common School purposes.

That they had received official information that the Governor had approved and signed enrolled bills, which originated in that House, of the following titles, viz:

An act to legalize the appointment of Assessors of Tax by the County Court of Daviess at their February term, 1851.

An act authorizing the sale of certain streets and an alley in the town of Russellville.

An act to incorporate Georgetown Chapter, No. 13, of Free and Accepted Masons, and to amend an act incorporating Mount Vernon Lodge, No. 14.

An act to incorporate Sligo Division, No 18, Sons of Temperance in Henry county.

An act to incorporate the town of Williamsburg, in Whitley county.

An act incorporating the United Baptist Church, in Taylor county.

An act to incorporate the Medico Chirurgical Society of the Kentucky School of Medicine, in the city of Louisville.

An act to incorporate the Hancock Manufacturing Company.

An act to amend an act, entitled, an act to incorporate the Paris, Winchester, and Kentucky River Turnpike Road Company, &c., approved February 25, 1848.

An act for the benefit of John Clay, of Nicholas county.

An act to regulate the commissions of Sheriffs in the collection of taxes imposed by County Courts on the *ad valorem* principle.

An act to amend the Common School laws.

An act extending the limits of the town of Shelbyville.

An act to change a part of the State road from Canton to Hickman.

An act to incorporate the Louisville Paper Mill.

An act to incorporate Montgomery Lodge, No. 18, of the Independent Order of Odd Fellows.

An act authorizing the sale of certain streets in the town of Glasgow.

An act to incorporate the Cumberland Presbyterian Church, in the town of Paducah.

An act for the benefit of Alfred F. Gowdey, Clerk of the Taylor County Court.

An act authorizing the Trustees of Winchester to sell the public spring lot in said town.

An act to amend the charter of the Covington and Lexington Railroad Company.

An act relative to holding elections in certain districts in Owen and Mason counties.

An act to charter the Louisville Homœpathic College of Medicine.

An act incorporating the German Lutheran Presbyterian St. John's Church, in Newport.

An act to incorporate Russellville Division, No. 51, Sons of Temperance.

An act to incorporate Hobson Lodge, No. 63, Independent Order of Odd Fellows.

An act to authorize the Trustees of Winchester to sell the stray pen, and prescribing the duties of the Clarke County Court in regard to strays.

An act to amend an act appointing Trustees for Moscow Seminary, in Hickman county.

An act to change the place of voting in the 4th district, in Cumberland county.

An act in relation to Justices' and Constables' districts in Fleming county. Approved March 3, 1851.

An act allowing additional Justices' and Constables' districts in Hardin county. Approved March 4, 1851.

An act to incorporate the Kentucky Savings Bank, at Louisville.

An act to change Magistrates' and Constables' districts, No. 4, in Green; No. 1, in Crittenden; and the Lewisburg and Maysville districts, in Mason county.

An act to amend the road law in Pendleton county.

An act to incorporate Wildey Lodge, No. 40, Independent Order of Odd Fellows.

An act changing the spring term of the Calloway and Graves Circuit Courts.

An act to surrender to the counties through which the Owingsville and Big Sandy Turnpike Road runs, the control of said road, and declare the same a county road.

An act for the benefit of James Clarke, late Sheriff of Casey county.

An act to establish District, No. 7, in the county of Laurel, and for other purposes.

An act to encourage the construction of Plank, Turnpike, and Railroads, in Daviess county.

An act to incorporate the Æolian Building Company of the town of Bowlinggreen.

An act to incorporate Green River Lodge, No. 54, Independent Order of Odd Fellows, in Hopkinsville.

An act to establish the office of Town Marshal, in the town of Independence, in the county of Kenton.

An act to incorporate Hickman Lodge, No. 131, of Free and Accepted Masons.

An act for the benefit of William Abner, of Owsley county.

An act for the benefit of the Portland Dry Dock and Insurance Company.

An act to amend an act incorporating the Crab Orchard and Crew's Knob Turnpike Road Company, approved March 6, 1850.

An act to repeal, in part, the law establishing the road from London, by the way of Williamsburg, to the Tennessee line.

An act for the benefit of the Sheriffs of Bullitt county.

An act for the benefit of the Sheriffs of Hopkins and Logan counties.

An act to change the time of holding the Court of Claims in Fayette county.

An act amending an act for the benefit of Mary Ridge and Maria Davenport, approved February 9, 1850.

An act to amend the charter of East Maysville, in Mason county.

An act to extend the corporate limits of Newport.

Approved February 25, 1851.

An act to incorporate the Union Hotel Company, in Louisville.

Approved February 25, 1851.

1. Mr. O. P. Hogan presented the petition of sundry citizens of Pendleton county, praying the establishment of an additional Magistrates' and Constables' district in said county.

2. Mr. Patterson presented the petition of Kelly & Co., of Caldwell county, praying the passage of a law to prohibit the burning of leaves in the vicinity of iron works.

3. Mr. T. J. Smith presented the petition of sundry citizens of Warren county, praying the passage of a law authorizing the re-districting of said county into Magistrates' and Constables' districts.

Which petitions were received, (the second read,) and referred—the 1st to the committee on Privileges and Elections; the 2d to the committee on the Judiciary; and the 3d to the committee on County Courts.

On motion of Mr. Bullock,

Ordered, That leave of absence, for a few days, be granted to Mr. B. Smith.

On motion of Mr. Riley,

Ordered, That leave of absence, for a few days, be granted to Mr. Hays.

Leave was given to bring in the following bills, viz:

On motion of Mr. Russell—1. A bill to incorporate a Hotel Company in the town of Greenville.

On motion of Mr. Pope—2. A bill to establish a Probate Court for the county of Jefferson.

On motion of Mr. Delany—3. A bill to establish a Police Court in the town of Marion, in Crittenden county.

On motion of Mr. Bruce—4. A bill for the benefit of William Smith, of Laurel county.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on County Courts the 2d and 3d; and Messrs. Bruce, Irwin, and Delany, were appointed a committee to prepare and bring in the 4th.

Mr. Johnston moved the followiug resolution, viz:

Resolved, That hereafter the Senate will meet at 9 o'clock, A. M., and sit until 1 o'clock; meet again at 3, and sit until 5 o'clock; and meet again at 7 o'clock, and sit until 10 o'clock, P. M.

Mr. Marshall moved to lay said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Johnston, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Robert S. Russell,
James P. Barbour,	John C. Kouns,	Nathaniel P. Saunders,
William C. Bullock,	William N. Marshall,	William Sterett,
Joshua Buster,	Daniel Morgan,	Caleb B. Wallace—14.
Sam. Daviess Delany,	Hamilton Pope,	

Those who voted in the negative, were

Hall Anderson,	Overton P. Hogan,	Camden Riley,
John P. Bruce,	James W. Irwin,	John W. Ritter,
Walter Chiles,	Alfred Johnston,	Thomas Rouse,
John Eaker,	Fitch Munger,	Thomas J. Smith,
Abijah Gilbert,	Robert A. Patterson,	Thomas I. Young—15.

Mr. Riley moved to amend said resolution, by substituting in lieu thereof the following, viz:

Resolved, That hereafter the Senate will meet at half past 8 o'clock, A. M., sit until 1; and meet again at half past 2 o'clock, P. M.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Said resolution, as amended, was then adopted.

Mr. Bruce moved the following resolution, viz:

Resolved, That after this day the Senate will consider no special or general order until after 11 o'clock on each day.

Which was adopted.

The amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act authorizing the construction of a mill dam across Pond river, was taken up, twice read, and concurred in.

Mr. Pope, from the committee on the Judiciary, to whom was referred, a bill for the benefit of *bona fide* housekeepers, reported the same without amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the articles of personal property that is now exempted by law from execution, distress for fee bills or attachment, there shall also be exempted to each and every *bona fide* housekeeper, a homestead for the family of the defendant, if they reside in the country, a tract of land to include the house and land to the value of $; if the family of the debtor reside in a city, town, or village, a house and lot, or a part thereof, of the value of $, which valuation shall be ascertained and fixed by two disinterested housekeepers, or their umpire, one of which may be chosen by the debtor or his agent, and the other by the creditor, his agent or attorney, and the umpire to be chosen by said commissioners; and in case the plaintiff or defendant, or their agents, shall fail to make such selection, the sheriff or constable shall appoint said commissioners, and said officer shall administer an oath to said commissioners to make said valuation truly, and without prejudice or partiality; and their report shall be made out and signed by them,

and shall be returned by said officer, with his execution or attachment, to the office from whence the same issued.

§ 2. *Be it further enacted*, That the provisions of this act shall not operate on debts, contracts, or liabilities now in existence.

Mr. Marshall moved to fill the blanks, in the first section of said bill, with the sum of "*four* hundred."

Mr. Patterson moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Marshall and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Richard C. Graves,	John W. Ritter,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	Fitch Munger,	Robert S. Russell,
Walter Chiles,	Robert A. Patterson,	William Sterett—14.
Abijah Gilbert,	Camden Riley,	

Those who voted in the negative, were

John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
William C. Bullock,	William N. Marshall,	James M. Shepard,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith,
John Eaker,	Hamilton Pope,	Thomas I. Young—13.
Overton P. Hogan,		

Mr. Pope, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act concerning the Police Judge of the town of Hawesville.

An act to authorize the Trustees of the town of Owenton to convey town lots.

An act to incorporate the Versailles Joint Stock Building Company.

An act to authorize the Trustees of Winchester to reduce the width of Main Cross street in said town.

An act to incorporate the Board of Trustees of the town of Woodsonville.

An act to establish the Police Court of Poplar Plains.

An act to establish the Police Court of Mount Carmel.

An act to establish a Police Judge in the town of Carrollton.

An act to incorporate Grant Lodge, No. 85, of Free and Accepted Masons.

An act to repeal an act to establish a Police Court in the town of Mount Vernon.

An act extending the powers of the Mayor of the city of Maysville.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate Owen Division, No. 220, Sons of Temperance, in Owenton, Owen county, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act regulating allowances to masters, auditors, and commissioners in chancery, reported the same without amendment.

Mr. Sterett moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterret and Graves, were as follows, viz:

Those who voted in the affirmative, were

William C. Bullock,	Fitch Munger,	Camden Riley,
Alfred Johnston,	Robert A. Patterson,	James M. Shepard,
William N. Marshall,	Hamilton Pope,	William Sterett—9.

Those who voted in the negative, were

Hall Anderson,	John Eaker,	John W. Ritter,
James P. Barbour,	Abijah Gilbert,	Thomas Rouse,
John P. Bruce,	Richard C. Graves,	Robert S. Russell,
Joshua Buster,	Overton P. Hogan,	Nathaniel P. Saunders,
Walter Chiles,	John C. Kouns,	Thomas J. Smith,
Sam. Daviess Delany,	Daniel Morgan,	Thomas I. Young—18.

Mr. O. P. Hogan moved to amend said bill, by striking out "two dollars," as a maximum compensation to a commissioner, and insert in lieu thereof "three dollars."

Mr. O. P. Hogan moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

Mr. Patterson moved to send for the absent Senators.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Shepard, were as follows, viz:

Those who voted in the affirmative, were

William C. Bullock,	Fitch Munger,	Robert S. Russell,
Walter Chiles,	Robert A. Patterson,	James M. Shepard,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett—11.
Daniel Morgan,	Camden Riley,	

Those wh o voted in the negative, were

Hall Anderson,	Richard C. Graves,	John W. Ritter,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
John P. Bruce,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	Thomas J. Smith,
John Eaker,	William N. Marshall,	Thomas I. Young—16.
Abijah Gilbert.		

Mr. Mr. Marshall moved that the Senate take a recess until 3 o'clock, P. M.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and Patterson, were as follows, viz:

Those who voted in the affirmative, were

William C. Bullock,	Daniel Morgan,	Robert S. Russell,
Walter Chiles,	Robert A. Patterson,	James M. Shepard,
Sam. Daviess Delany,	Hamilton Pope,	William Sterret—10.
Wm. N. Marshall,		

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	John W. Ritter,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
John P. Bruce,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	Thomas J. Smith,
John Eaker,	Fitch Munger,	Thomas I. Young—17.
Abijah Gilbert,	Camden Riley,	

Mr. Patterson, at half past 12 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Russell and Graves, were as follows, viz:

In the affirmative—William N. Marshall.

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	John W. Ritter,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
John P. Bruce,	Alfred Johnston,	Robert S. Russell,
Wm. C. Bullock,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	Daniel Morgan,	James M. Shepard,
Walter Chiles,	Robert A. Patterson,	Thomas J. Smith,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett,
John Eaker,	Camden Riley,	Thomas I. Young—25.
Abijah Gilbert,		

The main qnestion was then put—"shall the amendment proposed by Mr. O. P. Hogan be adopted?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Marshall and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Hamilton Pope,
Hall Anderson,	Richard C. Graves,	John W. Ritter,
John P. Bruce,	Overton P. Hogan,	Thomas Rouse,
William C. Bullock,	James W. Irwin,	Nathaniel P. Saunders,
Joshua Buster,	Alfred Johnston,	James M. Shepard,
Walter Chiles,	John C. Kouns,	William Sterett,
Sam. Daviess Delany,	Fitch Munger,	Thomas I. Young—23.
John Eaker,	Robert A. Patterson,	

Those who voted in the negative, were

Wm. N. Marshall,	Robert S. Russell,	Thomas J. Smith—3.

The question was then taken—"shall said bill, as amended, be read a third time?" and it was decided in the affirmative.

Ordered, That said bill have its third reading on Tuesday, at 10 o'clock, A. M.

Mr. Munger, from the committee on the Judiciary, to whom was referred the petition of citizens of the town of Eddyville, in relation to the extension of the limits thereof; also, the petition of subscribers of stock in the Louisville and Sulphur Well Plank Road Company, reported the same, with the following resolution thereon, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate a Turnpike road from Germantown to Thompson's ford, on the North fork, in Bracken county.

An act repealing an act, approved January 21, 1851, in regard to Three Mile Creek, in Lawrence county, and declaring said creek navigable.

An act authorizing the Winchester and Kentucky River Turnpike Road Company to erect gates on certain conditions.

An act to give additional Commissioners to the Mount Sterling and Jeffersonville Turnpike Road Company.

An act to amend the charter of the North Middletown, Mount Ida and Mount Sterling Turnpike Road Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Bruce, from the same committee, reported a bill for the benefit of James McConnell, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Mr. Morgan, from the committee on Propositions and Grievances, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act further to regulate the town of Bowlinggreen.

An act changing the boundary lines of District, No. 8, in Carter county.

An act to establish the town of Beatty, in the county of Owsley.

An act to change the corporate limits of the town of Moscow, in Hickman county.

An act to extend the limits of the town of West Liberty.

An act to amend the act establishing the Police Court of Flemingsburg, approved January 21, 1851.

An act to include the house and lot of Arthur Smith within the town of Cadiz.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Morgan, from the same committee, to whom was referred the petition of Moses W. Southard, of Hopkins county, reported the same, with the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the Sheriffs of Lewis and Mason counties.

An act for the benefit of Isham G. Hamilton, Clerk of the Boone County Court.

An act for the benefit of George Stivers and William Woodcock.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported, viz:

By Mr. Morgan, from the committee on Propositions and Grievances—A bill to establish the place of voting in the Keysburg District, in Logan county.

By same—A bill concerning the sale of spirituous liquors in the town of Prestonsburg.

By same—A bill to amend an act in relation to running and remarking a part of the county line between Graves and Hickman counties.

By Mr. Pope, from the committee on the Judiciary—A bill in relation to the fees of Commonwealth's Attorneys.

By same—A bill granting to the Marshal of Owenton, Owen county, the power and authority of a Constable.

By same—A bill to amend the charter of the city of Covington.

By same—A bill concerning the tax on licenses to coffee-houses, taverns, and ten pin alleys, in the city of Louisville and county of Jefferson.

By same—A bill changing an election precinct in Jefferson county.

By same—A bill to authorize the County Court of Christian to subscribe stock in the Henderson and Nashville Railroad Company.

By same—A bill giving officers further time to collect precepts, taxes, and fees.

By same—A bill declaring the "Kentucky Rifle" a public authorized newspaper of this State.

By same—A bill to repeal the fifth section of an act, entitled, an act to amend the charter of the city of Louisville, approved March 5, 1850.

By Mr. Ritter, from the same committee—A bill to authorize the Circuit Courts of this Commonwealth to direct the sale of the real estate of lunatics.

By Mr Irwin, from the committee on Internal Improvement—A bill for the benefit of the town of Russellville.

By same—A bill to incorporate the Burlington and Florence Turnpike Road Company.

By Mr. Bruce, from the same committee—A bill to define the original corners of the town of Boston, in Whitley county.

By Mr. Bruce, from a select committee—A bill to amend an act, entitled, an act for the benefit of William Smith, of Laurel county, approved March 7, 1850.

By Mr. Bullock, from a select committee—A bill to incorporate the Capital Hotel Company in Frankfort.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom was referred a bill prescribing the duties of Assessors of Tax, reported the same with an amendment, which was concurred in.

Said bill, as amended, reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to specific articles of property directed by law to be assessed for revenue tax, it shall be the duty of the assessors of tax, in each and every county of this commonwealth, to ascertain from the officers of each incorporated company in their several counties, the number of shares paid for, in whole or in part, in such incorporated company, (and not, by the terms of its charter, paying a specifix tax,) and, having assessed the value thereof, said company shall pay the same rate of tax as other real and personal estate assessed for taxation; and, hereafter, said stock shall form no part of any person's residuum.

§ 2. That it shall, also, be the duty of said assessors of tax, as above, to ascertain from the director or directors of each incorporated institution belonging to any of the orders of Masons, Odd Fellows, Sons of Temperance, or incorporated companies other than stock companies, and having ascertained the true value of property so held and owned by them, it shall be listed for taxation; and said director or directors of each incorporated company shall pay, on the value thereof, the same tax as now paid on other real and personal estate in this commonwealth: *Provided*, that this act shall not be so construed as to subject religious institutions or institutions of learning to taxation.

§ 3. The assessor, in each and every county in this commonwealth, shall open a column in his tax-book, and insert "value of incorporated companies," and opposite the same, insert the amount given in, according to the provisions of this act.

Mr. Graves moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Joshua Buster,	Sam. Daviess Delany,	Richard C. Graves—3.

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Robert S. Russell,
William C. Bullock,	William N. Marshall,	Nathaniel P. Saunders,

Walter Chiles,	Fitch Munger,	James M. Shepard,
John Eaker,	Robert A. Patterson,	Thomas J. Smith,
Abijah Gilbert,	Hamilton Pope,	William Sterett,
Overton P. Hogan,	Camden Riley,	Thomas I. Young—23.
James W. Irwin,	John W. Ritter,	

Mr. Delany moved to strike out the second section of said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Graves, were as follows, viz:

Those who voted in the affirmative, were

Wm. C. Bullock,	John C. Kouns,	Robert S. Russell,
Walter Chiles,	William N. Marshall,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Daniel Morgan,	James M. Shepard,
John Eaker,	Fitch Munger,	Thos. J. Smith,
Overton P. Hogan,	Hamilton Pope,	William Sterett,
Alfred Johnston,	John W. Ritter,	Thomas I. Young—18.

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	Robert A. Patterson,
John P. Bruce,	James W. Irwin,	Thomas Rouse—7.
Joshua Buster,		

And then the Senate adjourned.

TUESDAY, MARCH 11, 1851.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of Abraham Boyd, of Trigg county.

An act to establish the place of voting in the Keysburg District, in Logan county.

That they had passed bills of the following titles, viz:

An act to authorize the running and re-marking the dividing line between Bath and Bourbon.

An act concerning Magistrates' districts in Madison county.

An act for the benefit of Green Adams.

An act for the benefit of John M. Gallagher.

An act for the benefit of the Sheriff of Rockcastle county.

An act further to define the powers of the Trustees of Winchester, and extend the privileges of its citizens.

An act regulating the duties of the Clarke County Court, and the appointment of the County Treasurer.

An act to amend the acts incorporating the Paris, Winchester, and Kentucky River Turnpike Road Company, and to authorize a transfer to the same of the Winchester and Kentucky River Turnpike Road Company's effects, &c.

An act for the benefit of the Sheriff of Whitley county.

1. Mr. Magoffin presented the petition of Elizabeth Secard, praying the passage of a law to allow her to redeem certain lands which have been forfeited to the State.

2. Mr. Pope presented the petition of sundry citizens of the town of Portland, praying the passage of a law to close an alley in said town.

Which petitions were received, the readings dispensed with, and referred to the committee on the Judiciary.

The Senate resumed the consideration of the bill prescribing the duties of Assessors of Tax.

Mr. Magoffin moved to amend said bill, by adding thereto the following proviso, viz:

Provided, That this act shall not be so construed as to subject religious institutions or institutions of learning to taxation.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Mr. O. P. Hogan moved to amend said bill, by adding thereto the following proviso, viz:

Provided, That nothing herein shall be so construed as taxing any stock which the State may have in any incorporated company.

Mr. Graves moved to amend said amendment, by substituting in lieu thereof the following, viz:

Provided, That stocks owned by the Commonwealth, widows,' or orphans, shall not be listed for taxation by this act.

Mr. Irwin moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall the amendment of Mr. Graves be adopted, in lieu of the amendment of Mr. O. P. Hogan?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Richard C. Graves,	Robert A. Patterson,	Thomas I. Young—5.
Elihu Hogan,	Hamilton Pope,	

Those who voted in the negative, were

Mr. Speaker (Grey,)	Abijah Gilbert,	Daniel Morgan,
Hall Anderson,	Overton P. Hogan,	Fitch Munger,
James P. Barbour,	James W. Irwin,	Camden Riley,
John P. Bruce,	Alfred Johnston,	John W. Ritter,
William C. Bullock,	John C. Kouns,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	William Sterett,
John Eaker,	William N. Marshall,	Caleb B. Wallace—24.

The question was then taken—"shall the amendment of Mr. O. P. Hogan be adopted?" and it was decided in the affirmative.

The question was then taken—"shall said bill, as amended, be engrossed and read a third time?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	Alfred Johnston,	Camden Riley,
William C. Bullock,	John C. Kouns,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Daniel Morgan,	Caleb B. Wallace,
Overton P. Hogan,	Robert A. Patterson,	Thomas I. Young—22.
James W. Irwin,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Hamilton Pope,
Hall Anderson,	Elihu Hogan,	John W. Ritter,
James P. Barbour,	Fitch Munger,	James M. Shepard—10.
Walter Chiles,		

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Anderson—1. A bill to incorporate the Paint Lick Presbyterian Church.

On motion of Mr. Johnston—2. A bill to incorporate the Waidsboro' and Marshall County Seminary.

The committee on Religion was directed to prepare and bring in the 1st; and Messrs. Johnston, Patterson, and Eaker were appointed a committee to prepare and bring in the 2d.

Mr. Barbour, from the joint committee on Enrollments, reported that

the committee had examined an enrolled bill, which originated in the Senate, entitled,

An act to organize County Courts in the several counties.

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Barbour reported that the committee had performed that duty.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
March 11, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent, E. M. Ewing and John B. Bibb, to be Directors, on the part of the State, in the Southern Bank of Kentucky.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

The Senate took up for consideration the bill requiring the registration of births, marriages, and deaths.

Said bill was amended, to read as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of all clergymen, or other persons, who shall hereafter perform the marriage ceremony within this commonwealth, to keep a registry of all marriages celebrated by them, showing the names, ages, residence, and place of birth of the persons married, whether they were single or widowed, and the time of the marriage.

§ 2. It shall be the duty of all physicians, surgeons, and midwives, to keep a registry of all births and deaths at which they have professionally attended, showing, in cases of births, the time and place of the birth, the name of the father and the maiden name of the mother, and their residence, the sex and color of the child, and its name, if it shall receive one, and whether it was born alive, and at or before the full time; and showing, in the case of deaths, the place, time, and cause of death, the name, age, sex, color, condition, (whether single, married, or widowed,) occupation, residence, and place of birth of the deceased: *Provided*, that in case of the birth of a slave, the name of the owner shall be given, instead of the names of the parents; and in case of the death of a slave, the owner's name may be given, instead of the condition, occupation and residence.

§ 3. It shall be the duty of the clergymen, physicians, surgeons, &c., above named, to deposit in the county clerk's office of their respective counties, on or before the first day of March in every year, the said registry, or a copy thereof, embracing the period of one year, ending on the 31st day of December last preceding the time of the deposit; and the clerk shall deliver the same to the assessor.

§ 4. It shall be the duty of the assessors, while making their lists of taxable property, to ascertain and record, in a list separate from the list of taxable property, all the births, deaths, and marriages, which shall have occurred in their respective counties in the twelve months ending on the 31st day of December last preceding the time of assessment, with all the items of name, place, time, &c., herein directed to be inserted in the registries abovd named; and they shall make strict inquiry of all heads of families, and shall use the registries of clergymen, &c., aforesaid, in order to obtain, correctly, the information herein required. They shall return said lists of births, &c., with the registries of clergymen, &c., above named, to the clerks of the county courts, at the same time they return their lists of taxable property; and the clerks shall copy said lists of births, &c., and transmit the copies to the second auditor, with the lists of taxable property. *The clerks shall be paid one-half the sum they are now paid for copying the lists of taxable property. The assessors shall be allowed two cents for each birth, death, or marriage recorded as herein directed, to be paid in the same manner as their compensation for making the lists of taxable property.*

§ 5. It shall be the duty of the second auditor to make, from all the lists of births, marriages, and deaths, so transmitted to him, tabular statements, showing, in condensed form, the information herein required to be preserved, keeping the statistics of each county separate; and to cause copies of the same to be printed, in pamphlet form, on or before the first day of October in every year; and to transmit copies thereof to each county court clerk in this commonwealth, for the use of the citizens of their respective counties. He shall also cause to be printed blank lists for the use of the assessors, clergymen, physicians, &c., with separate columns for each of the items of information herein required, and send a sufficient number of said blank lists to the clerk of each county court for distribution. He shall annex to said blank lists such instructions as he may deem necessary to secure the faithful execution of this act.

§ 6. To enable the assessors to obtain full and correct information touching the facts herein required by them to be ascertained, they shall have full power to swear and interrogate any person in their respective counties, for that purpose; and it shall be the duty of all such persons, when thereto required by the assessor, with or without oath, to give to him, fully and truly, all the information he or she may possess, touching any of said facts.

§ 7. The several county court clerks shall forever carefully preserve the lists of births, &c., and the registries of clergymen, &c., herein required to be returned to them, for the inspection and use of the public.

§ 8. The said lists of births, deaths, and marriages, returned to the clerks of the county courts by the assessors, as also the original tabular record herein required be made and kept by the second auditor, or a duly certified copy of the record of any marriage, birth, or death, from either of them, given and certified by the keeper of such records, shall hereafter be admitted and received, in all courts in this commonwealth, as *prima facie* evidence of any birth, death, or marriage therein recorded, or so certified.

§ 9. This act shall take effect, so far as relates to the duties of the physicians, surgeons, midwives, clergymen, and other persons perform-

ing marriage ceremonies, the auditor and clerks of county courts on the 1st day of July, 1851; and so far as relates to the duties of assessors, on the 1st day of January, 1852; and the assessors for the year 1852 shall include in their lists all items as specified in this act, which shall fall within the period beginning the 1st day of July, 1851, and ending the 31st day of December, 1851, and thereafter the assessors shall be governed by the 4th section of this act.

Mr. Saunders moved to amend said bill, by striking out all that part of the fourth section printed in italics.

Mr. O. P. Hogan moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	John W. Ritter,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	Beriah Magoffin,	Thomas J. Smith,
Abijah Gilbert,	William N. Marshall,	William Sterett,
Overton P. Hogan,	Camden Riley,	Thomas I. Young—18.

Those who voted in the negative, were

William C. Bullock,	Elihu Hogan,	Robert S. Russell,
Walter Chiles,	Fitch Munger,	James M. Shepard,
Sam. Daviess Delany,	Robert A. Patterson,	Caleb B. Wallace—11.
Richard C. Graves,	Hamilton Pope,	

A bill from the House of Representatives, entitled, an act regulating allowances to masters, auditors, and commissioners in chancery, was read a third time.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Richard C. Graves,	John W. Ritter,
John P. Bruce,	Elihu Hogan,	Thomas Rouse,
Joshua Buster,	Overton P. Hogan,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	Daniel Morgan,	Thomas I. Young—16.
Abijah Gilbert,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Wm. N. Marshall,	Camden Riley,
James P. Barbour,	Fitch Munger,	Robert S. Russell,
William C. Bullock,	Robert A. Patterson,	William Sterett,
James W. Irwin,	Hamilton Pope,	Caleb B. Wallace—13.
John C. Kouns,		

Mr. Magoffin moved a reconsideration of said vote.

Mr. Magoffin moved to postpone the further consideration of said motion until to-morrow morning at half past 9 o'clock.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Wallace, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	William N. Marshall,	Camden Riley,
James P. Barbour,	Daniel Morgan,	Robert S. Russell,
William C. Bullock,	Fitch Munger,	James M. Shepard,
James W. Irwin,	Robert A. Patterson,	William Sterett,
John C. Kouns,	Hamilton Pope,	Caleb B. Wallace—16.
Beriah Magoffin,		

Those who voted in the negative, were

Hall Anderson,	Abijah Gilbert,	John W. Ritter,
John P. Bruce,	Richard C. Graves,	Thomas Rouse,
Joshua Buster,	Elihu Hogan,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Overton P. Hogan,	Thomas J. Smith,
John Eaker,	Alfred Johnston,	Thomas I. Young—15.

An engrossed bill, entitled, an act for the benefit of James McConnell, was read the first time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor is hereby directed to draw his warrant on the Treasury for the sum of two hundred and fifteen dollars and nine cents, in favor of James McConnell, for work done on Dam No. 3, on Green river; which sum the Board of Internal Improvement report as justly due said McConnell.

§ 2. That before the Second Auditor shall draw his warrant on the Treasury, said McConnell shall file with the Board of Internal Improvement a receipt in full for all demands against the State for said claim; which fact shall be certified to the Second Auditor by the President or Secretary of said Board.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the Contitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Hamilton Pope,
James P. Barbour,	Elihu Hogan,	Camden Riley,
John P. Bruce,	James W. Irwin,	John W. Ritter,
Wm. C. Bullock,	Alfred Johnston,	Robert S. Russell,
Joshua Buster,	John C. Kouns,	James M. Shepard,
Walter Chiles,	Beriah Magoffin,	William Sterett,
Sam. Daviess Delany,	Fitch Munger,	Caleb B. Wallace—23.
John Eaker,	Robert A. Patterson,	

Those who voted in the negative, were

Hall Anderson,	William N. Marshall.	Thomas J. Smith,
Overton P. Hogan,	Thomas Rouse,	Thomas I. Young—8.
Thomas P. Linthicum,	Nathaniel P. Saunders,	

Resolved, That the title of said bill be as aforesaid.

Mr. Marshall, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the commandant of the 36th Regiment of Militia to collect fines assessed in 1849, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Marshall, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the erection of a monument to the memory of Col. Richard M. Johnson, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

The question being taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	John W. Riter,
Hall Anderson,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
John P. Bruce,	Beriah Magoffin	Nathaniel P. Saunders,
William C. Bullock,	Wm. N. Marshall,	James M. Shepard,
Sam. Daviess Delany,	Daniel Morgan,	Thomas J. Smith,
John Eaker,	Fitch Munger,	William Sterett,
Abijah Gilbert,	Robert A. Patterson,	Caleb B. Wallace,
Richard C. Graves,	Hamilton Pope,	Thomas I. Young—29.
Elihu Hogan,	Camden Riley,	

Those who voted in the negative, were

Joshua Buster,	Alfred Johnston—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to purchase a burial place in the Frankfort Cemetery, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Fitch Munger,
Hall Anderson,	Elihu Hogan,	Robert A. Patterson,
James P. Barbour,	Overton P. Hogan,	Hamilton Pope,
John P. Bruce,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	Alfred Johnston,	Robert S. Russell,
Joshua Buster,	John C. Kouns,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Thomas J. Smith,
Sam. Daviess Delany,	Beriah Magoffin,	William Sterett,
John Eaker,	William N. Marshall,	Caleb B. Wallace,
Abijah Gilbert,	Daniel Morgan,	Thomas I. Young—30.

In the negative—Nathaniel P. Saunders.

Resolved, That the title of said bill be as aforesaid.

Mr. Chiles, from the same committee, reported a bill for the benefit of Col. Ambrose Arthur, which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to issue his warrant on the Treasurer, in favor of Col. Ambrose Arthur, for the sum of one hundred and eighty-five dollars—money by him paid, laid out, and expended in marching a company of volunteers, and bearing the expenses of the same from Barbourville, in Knox county, to Dayton, Ohio, and which has never been refunded to him.

Ordered, That said bill be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Robert A. Patterson,
Hall Anderson,	Elihu Hogan,	Hamilton Pope,
John P. Bruce,	Overton P. Hogan,	Robert S. Russell,
William C. Bullock,	James W. Irwin,	James M. Shepard,
Walter Chiles,	Alfred Johnston,	William Sterett,
Sam. Daviess Delany,	Daniel Morgan,	Caleb B. Wallace,
John Eaker,	Fitch Munger,	Thomas I. Young—21.

Those who voted in the negative, were

James P. Barbour,	Thomas P. Linthicum,	John W. Ritter,
Joshua Buster,	William N. Marshall,	Thomas Rouse—7.
John C. Kouns,		

Resolved, That the title of said bill be as aforesaid.

Mr. Chiles, from the same committee, reported a bill for the benefit of the free negroes of this Commonwealth, exempting them from the payment of school tax, which was read the first time, as follows, viz:

Whereas, by the laws of this Commonwealth, in relation to Common Schools, a tax of two cents, on each one hundred dollars worth of property subject to taxation, upon the *ad valorem* principle, is established and imposed for the benefit of said schools: and, whereas, by the provisions of said laws, a number of the free negroes of this State are subjected to said taxation, whose children cannot derive any advantage therefrom, because of their exclusion from the privileges of said schools; and considering it unjust so to tax them, without extending to them any correspondent benefits from the subject thereof—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all free negroes of this Commonwealth shall hereafter be exempt from the payment of the two cents of tax, on each hundred dollars worth of property, for the support of Common Schools, as provided by an act of the General Assembly of this State, approved February 26, 1849, entitled, "an act for the benefit of Common Schools."

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading being dispensed with,

Mr. Patterson moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Chiles and Rouse, were as follows, viz:

Those who voted in the affirmative, were

James P. Barbour,	Beriah Magoffin,	John W. Ritter,
Elihu Hogan,	Wm. N. Marshall,	Thomas Rouse,
Overton P. Hogan,	Fitch Munger,	Thomas J. Smith,
Alfred Johnston,	Robert A. Patterson,	Thomas I. Young—14.
John C. Kouns,	Hamilton Pope,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John Eaker,	Robert S. Russell,
Hall Anderson,	Abijah Gilbert,	Nathaniel P. Saunders,
John P. Bruce,	James W. Irwin,	James M. Shepard,
Joshua Buster,	Thomas P. Linthicum,	William Sterett,
Walter Chiles,	Daniel Morgan,	Caleb B. Wallace—16.
Sam. Daviess Delany,		

Mr. O. P. Hogan moved to amend said bill, by adding thereto the following section, viz:

§ 2. That the money hereafter collected under the two cent tax, from free negroes for school purposes, shall be applied to colonizing the free negroes of this State in Liberia, and shall be a part of the fund to be used for the benefit of such as may see fit to leave the State and go to Liberia.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Abijah Gilbert,	Beriah Magoffin,
John P. Bruce,	Overton P. Hogan,	John W. Ritter,
William C. Bullock,	James W. Irwin,	William Sterett—11.
John Eaker,	Thomas P. Linthicum,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Thomas Rouse,
James P. Barbour,	William N. Marshall,	Nathaniel P. Saunders,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
Sam. Daviess Delany,	Fitch Munger,	Thomas J. Smith,
Elihu Hogan,	Robert A. Patterson,	Caleb B. Wallace,
Alfred Johnston,	Hamilton Pope,	Thomas I. Young—18.

The question was then taken on engrossing and reading said bill a third time, and it was decided in the negative; so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Chiles and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Sam. Daviess Delany,	James M. Shepard,
Hall Anderson,	John Eaker,	William Sterett,
Walter Chiles,	Daniel Morgan,	Caleb B. Wallace—9.

Those who voted in the negative, were

Camden M. Ballard,	James W. Irwin,	Robert A. Patterson,
James P. Barbour,	Alfred Johnston,	Hamilton Pope,
John P. Bruce,	John C. Kouns,	Camden Riley,
William C. Bullock,	Thomas P. Linthicum,	John W. Ritter,
Abijah Gilbert,	Beriah Magoffin,	Thomas Rouse,
Elihu Hogan,	William N. Marshall,	Thomas J. Smith,
Overton P. Hogan,	Fitch Munger,	Thomas I. Young—21.

The following bills were reported, viz:

By Mr. Chiles, from the committee on Finance—A bill for the benefit of James McBride.

By Mr. Munger, from the committee on the Judiciary—A bill to authorize the sale of estates of infants and femes covert.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, MARCH 12, 1851.

A message was received from the House of Representatives, announcing their disagreement to a bill from the Senate, entitled, an act for the benefit of John Raymon.

That they had passed bills from the Senate, of the following titles, viz:

An act to establish a Police Court in the town of Caseyville.

An act to amend the charter of the Southern Bank of Kentucky.

An act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850.

An act to authorize the city of Louisville to subscribe stock in certain Railroads.

With amendments to the last three named bills.

That they had passed bills of the following titles, viz:

An act to incorporate the town of Raleigh, in Union county.

An act for the benefit of the mechanics of Muhlenburg county.

An act regulating the duties of the Christian County Court in laying the levy.

An act to authorize the Montgomery County Court to levy a tax for re-building the Court House of said county.

An act for the benefit of the mechanics of Pulaski county.

An act to establish the town of Woodville, in the county of Mason.

An act to amend the charter of the Falls City Insurance Company, approved February 20, 1851.

An act to incorporate Hancock Lodge, No. 115, in Hancock county.

An act to prevent the destruction of fish in Floyd's fork.

An act to incorporate the Georgetown and Louisville Branch Railroad Company.

An act to amend the charter of the Lexington and Frankfort Railroad Company.

An act to amend an act incorporating the New Town and Leesburg Turnpike Road Company.

An act to incorporate Springhill Lodge, No. 139, at Crab Orchard.

An act for the benefit of William T. Dudley, Clerk of the Fleming County Court.

An act to amend an act, approved January 29, 1846, incorporating the town of Hillsboro', in Fleming county.

An act to incorporate the Winchester, Kiddville, and Mountsterling Turnpike Road Company.

An act fixing the period of Clerks and others listing their fee bills for collection in the present year.

An act providing for special terms of the County Courts.

An act providing for the collection, by the Sheriffs elected in May next, of the revenue of the present year.

Mr. Daniel Waits, returned to serve as a member of the Senate from the 29th district, in the place of Nimrod Routt, resigned, appeared, qualified, and took his seat.

Mr. Waits presented the petition of sundry citizens of the 8th Magistrates' and Constable's district, in Harrison county, praying the passage of a law to authorize the voters of said district to choose the place of voting therein.

Which petition was received, the reading dispensed with, and referred to the committee on Privileges and Elections.

A bill from the House of Representatives, entitled, an act to authorize the running and re-marking the dividing line between Bath and Bourbon, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Mr. Morgen moved to refer said bill to the committee on the Judiciary, with instructions to report to-morrow morning at 10 o'clock.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Young and Morgan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	James W. Irwin,	Camden Riley,
James P. Barbour,	Thomas P. Linthicum,	John W. Ritter,
Wm. C. Bullock,	Daniel Morgan,	James M. Shepard,
Joshua Buster,	Fitch Munger,	William Sterett—16.
Walter Chiles,		

Those who voted in the negative, were

Camden M. Ballard,	Overton P. Hogan,	Thomas Rouse,
John P. Bruce,	Alfred Johnston,	Nathaniel P. Saunders,

Sam. Daviess Delany, John C. Kouns, Thos. J. Smith,
John Eaker, William N. Marshall, Thomas I. Young—13.
Abijah Gilbert,

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled,

An act to establish the place of voting in the Keysburg District, in Logan county.

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
March 12, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent,

Wm. Gordon, H. C. Hodge, T. M. Davis, H. F. Given, and Samuel A. Kingman, to be Trustees of the Cumberland Hospital.

Sherwood W. Atkinson, to be a Director, on the part of the State, in the Southern Bank of Kentucky.

Sterling M. Barner, to be Notary Public for Livingston county.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

On motion of Mr. Shepard,

Ordered, That leave of absence, for five days, be granted to Mr. Wallace.

The Senate, according to order, took up for consideration the motion made by Mr. Magoffin, on yesterday, to reconsider the vote passing a bill from the House of Representatives, entitled, an act regulating allowances to masters, auditors, and commissioners in chancery.

And the question being taken on reconsidering said vote, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,) Beriah Magoffin, Hamilton Pope,
James P. Barbour, William N. Marshall, Camden Riley,
William C. Bullock, Fitch Munger, James M. Shepard,
Walter Chiles, Robert A. Patterson, William Sterett—12.

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Daniel Morgan,
Camden M. Ballard,	Overton P. Hogan,	John W. Ritter,
John P. Bruce,	James W. Irwin,	Thomas Rouse,
Joshua Buster,	Alfred Johnston,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John C. Kouns,	Thomas J. Smith,
John Eaker,	Thomas P. Linthicum,	Daniel Waits—19.
Abijah Gilbert,		

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish a Code of Practice in civil cases in the Courts of this Commonwealth.

The 168th and 169th sections of said bill read as follows, viz:

§ 168. Every pleading must be subscribed by the party, or his attorney, *and the petition, answer, and reply, must each be verified by the affidavit of the party, to the effect that he believes the statements thereof to be true. No pleading verified as herein provided, shall be used against the party, in any criminal prosecution, or action or proceeding for a penalty of forfeiture, as proof of a fact admitted or alledged in such pleading; and such verification shall not make other or greater proof necessary on the side of the adverse party.*

§ 169. *The verification by affidavit mentioned in the last section, shall not be required to the answer of a guardian or committee defending for an infant, or person of unsound mind, or imprisoned; nor in any case where the admission of the truth of the allegations of the petition or answer might subject the party to a criminal or penal prosecution; nor to pleadings affecting injuries to person or character.*

Mr. Bullock moved to strike out all of said sections printed in italics.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Thomas Rouse,
Camden M. Ballard,	Beriah Magoffin,	James M. Shepard,
William C. Bullock,	Daniel Morgan,	Thomas J. Smith,
Walter Chiles,	Fitch Munger,	William Sterett,
Sam. Daviess Delany,	Robert A. Patterson,	Daniel Waits—17.
Overton P. Hogan,	Camden Riley,	

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	William N. Marshall,
James P. Barbour,	Elihu Hogan.	Hamilton Pope,
John P. Bruce,	James W. Irwin,	John W. Ritter,
Joshua Buster,	Alfred Johnston,	Nathaniel P. Saunders,
John Eaker,	Thomas P. Linthicum,	Thomas I. Young—16.
Abijah Gilbert,		

Ordered, That the further consideration of said bill be postponed until to-morrrow morning at half past 9 o'clock.

Mr. Bruce, from the committee on Internal Improvement, to whom was

referred a bill from the House of Representatives, entitled, an act to give to the Carroll County Court control of the State roads in said county, reported the same with amendments, which were concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended, to read, "an act to give the Carroll and Gallatin County Courts control of the State roads in said counties."

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill authorizing an alley to be closed in the town of Portland.

By Mr. Johnston, from a select committee—A bill to incorporate the Waidsboro' and Marshall County Seminary.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. O. P. Hogan, from the committee on Public Offices, to whom was referred the bond of R. C. Wintersmith, Treasurer, reported the same to the Senate.

And the question being taken on advising and consenting to the securities in said bond, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Young and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Fitch Munger,
Hall Anderson,	James W. Irwin,	Robert A. Patterson,
James P. Barbour,	John C. Kouns,	Hamilton Pope,
Wm. C. Bullock,	Beriah Magoffin,	Camden Riley,
Joshua Buster,	William N. Marshall,	John W. Ritter,
Walter Chiles,	Daniel Morgan,	Thomas Rouse—19.
Abijah Gilbert,		

Those who voted in the negative, were

Camden M. Ballard,	Elihu Hogan,	Thomas J. Smith,
John P. Bruce,	Overton P. Hogan,	William Sterett,
Sam. Daviess Delany,	Alfred Johnston,	Daniel Waits,
John Eaker,	Thomas P. Linthicum,	Thomas I. Young—12.

Leave was given to bring in the following bills, viz:

On motion of Mr. Munger—1. A bill for the benefit of the Jailer of Christian county.

On motion of Mr. Sterett—2. A bill concerning coal mines in Hancock county.

On motion of Mr. Magoffin—3. A bill to charter a Company to build a Railroad from Lexington, through Harrodsburg, to Bowlinggreen.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d; and Messrs. Magoffin, T. J. Smith, E. Hogan, Marshall, and Russell, were appointed a committee to prepare and bring in the 3d.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

To the Senate:

The following bill has been presented for my signature and approval:

An act to provide for the payment of the interest of the School Fund.

Whereas, doubts are entertained in regard to the liability of the sinking fund for the payment of the principal and interest of the school fund. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sinking fund is liable to the payment of the principal and the interest of the common school fund, and the commissioners of the sinking fund are hereby directed to pay, as heretofore, the interest on the school fund, out of any moneys in their hands belonging to said sinking fund, in execution of "an act to provide for the payment and investment of the interest of the bonds of the state of Kentucky, held by the board of education," &c., &c., approved March 1, 1850.

GEO. W. JOHNSTON, *Speaker of the H. R.*
BEN. EDWARDS GREY, *Speaker of the Senate, pro tem.*

Having given to this bill the full and careful consideration which the importance of the subject, and a just respect for the opinion of the general assembly demand, I feel constrained, by a deep and solemn conviction that its provisions are contrary to the constitution of the state, to return it to the senate, in which it originated, with these my objections.

It will be perceived that, by this bill, the general assembly declare, in effect, that the school fund is a *state debt;* and that as such, within the meaning of the 34th section of the 2d article of the constitution, the principal and interest are declared to be a charge on the sinking fund, and that the principal as a debt, is bound, by the express provisions of the constitution, to be paid, sooner or later, in money. From that opinion the executive dissents, and feels constrained, by a sense of duty, to withhold his approval of the bill.

That there should exist differences of opinion, even among the authors of an instrument, the product of many minds, is a natural result which history prepares us to expect. It is a matter of vast importance to a community that the laws by which they are to be governed should, at as early a day as practicable, be clearly settled and well defined. The executive has anxiously desired, from the beginning of this controversy, that it should be settled by the court of the last resort, whose decision would be binding on all, so that the community

might cease to be disturbed by it as a political question, and public policy be made to conform to the law as settled.

Having argued this question in a special message to the general assembly, I will, on the present occasion, state the points upon which the legislature and the executive are at issue; give a few additional facts; reply to some of the suggestions made in response to that message, and lay before the general assembly some additional evidences of the accuracy of my opinions.

It is contended by the executive that the whole resources of the sinking fund are, by the provision of the 34th section of the 2d article of the constitution, set apart as a trust or dedicated fund to be used for the purpose of the payment of the interest and principal of the *state debt*, and for no other purpose; which provision was founded in wisdom, to prevent the necessity of a resort to taxation for the purpose of paying that debt; that by the term *state debt* is meant that sum which is owing to individuals and corporations in whom a vested right attaches, by reason of holding the bonds of the state with covenant to pay at a given day; and that the amount of that debt, including the northern bank bond, is the sum of $4,497,637 81.

The executive arrives at the conclusion that his construction is right, from the fact, (among other considerations,) that the resources so set apart, will, if faithfully applied, accomplish the purpose avowed by the section; or at least accomplish it to a very great extent, and that too without pressure upon the people by taxation.

The executive regrets to learn, from the bill before him, that the general assembly *doubtingly* entertain a different opinion. They assume that the new constitution creates an obligation to pay, sooner or later, the school fund as a *state debt*, settled by the constitution to be $1,276,992 71; which sum, when added to the other debt, makes the aggregate of $5,774,408 82, which the legislature assumes to be the true *debt of the state*, the interest and principal of which is a charge upon the sinking fund. The executive thinks that opinion is erroneous, because the fund set apart is unable to pay even the interest of that amount of debt; that it creates at once the necessity of a resort to taxation to increase the resources of that fund to render it sufficient to pay its interest charges; and necessarily involves the absolute necessity of taxation to pay the whole state debt, whilst it increases the sum to be paid by $1,276,992 71. He thinks there was too much intelligence and sagacity in the convention to have thus increased the burthens of the people without any assignable motive, since the interest alone is all that the constitution allows to be used for the purposes designated. He thinks that the people themselves would never have consented, if the question had been distinctly stated and understood, by a ratification of the constitution, to pay in money *one*

million and a half for the difference between the two forms of government; and he now entertains the opinion that if the legislature were to commence to exact, by taxation, that sum, and the question were put to the people, "will you pay it or adopt the old constitution?" they would fall back upon the old form of government, rather than oppress themselves by the payment of so enormous a sum. He claims for the framers of the constitution more intelligence and virtue than would allow a supposition that they had professedly laid the foundation for extinguishing a large *state debt* by the annual application of the surplus product of a fund not sufficient to pay its annual charges.

The construction given by the legislature to the 34th section necessarily involves the construction of the 36th section—especially the proviso. To that section the executive gives the construction, that in future, no money can be borrowed by the legislature except to provide for casual deficits in the ordinary charges of the government, unless the question be submitted to the people, and be accompanied with a provision for taxation to pay the principal and interest of the sum borrowed; that the proviso, which allows the general assembly to borrow money for the payment of the state debt, was one of necessary precaution, so that in the event the sinking fund should, by the day of payment, fail to pay any part of the debt of the state, which the state was bound to pay or be dishonored, the legislature might borrow the money to pay it.

By the legislative construction, assuming that the school fund is a *state debt*, the unquestioned power is given to the legislature by the proviso to borrow at any time, without consulting the people, the sum of $1,276,992 71. Can he who reasons come to the conclusion that the convention, assembled for the avowed purpose, among others, of preventing the increase of the public debt, did, in the very clause intended for that purpose, confer the express power to create an absolute debt, in lieu of the then nominal debt, (safer n the people's pockets than elsewhere,) to the amount of $1,276,992 71, by borrowing, with a full knowledge when borrowed, it would be placed in the treasury, subject to legislative disposition?

The difference in the construction of the 34th and 36th sections, necessarily involves a difference in the construction of the 1st section of the 11th article—being the article upon the subject of education.

The executive insists that, by the terms of that section, the school fund is not to be regarded as a *state debt to be paid off*, but that it is a dedicated school fund, to be held sacred, inviolate, and untouched, and now invested in the public honor—each citizen being permitted to keep his own proportion of it in his own pocket, which the executive thinks is the safest place of deposit; that the interest alone (the greater part at five per cent.) is all that is allowed to be drawn from the people;

that, by solemn constitutional injunction, this interest is to be used for common school purposes. The executive entertains the opinion that the sentence in the 11th article, which says "the general assembly shall make provision, by law, for the payment of the interest on said school fund," means precisely what it says, and cannot be complied with in spirit without the creation of a fund equal to the demand. The general assembly think they have satisfied that command when they have expressed the opinion that the constitution made provision by the 34th section. The executive is impressed with the belief that if the school fund is a bonded debt to be paid, that the law of 1845 incorporating the commissioners of the sinking fund, the constitution, and the law of 1850, would be sufficiently binding upon the commissioners. The general assembly think it is necessary that they should direct their execution.

But it is said this will drive us to taxation. Then, to avoid a tax of three cents, at the present, to educate our own children, should we, as the better bargain, assume to pay, in money and by taxation, $1,276,992 71, and in effect perpetuate a tax of five cents? Schools have been to little purpose, if the pupils cannot demonstrate which of the two propositions is the best bargain for the people. To school their own children, is all that is asked to pay the public debt by the executive construction of the constitution. Why get up this pocket quarrel? The people must pay all at last, and the easiest mode of payment is the best for them.

By the legislative construction, the constitution is made to bind the people, as a sealed obligation, to pay this enormous sum, which, including sheriffs' commissions, losses and delinquencies, and fees of each public officer that may handle it, will make the final cost to the people between a million and a half and two millions of dollars. The sheriffs' commissions alone would educate the children of a half dozen counties. The constitution is wholly silent as to what is to be done with this immense sum when paid, while it is exceedingly careful to direct in what manner small amounts and fractions shall be disposed of—proceeding, I suppose, upon the old and trite maxim, "Take care of the farthings, pounds will take care of themselves."

But, if it is paid, the implied power to dispose of it by the legislature, is necessarily involved. Then comes the question. Says one, I am for putting a part of it to complete a certain turnpike road. Says another, that is inconsistent with the progress of the age; it ought to go into railroads. Says another, there is a vast amount of inaccesible wealth locked up in the mountains; the rivers ought to be improved. Says another, if we take the present bank stock to pay our public debt, and if we are hard run to raise the money, it will be done; there is no other means left for the state to become part owner of a bank in

Kentucky, under the provisions of the new constitution, and the profits and control of banking institutions will be under the entire control of private corporations; so let us take this school fund and bank upon it. Says another, this is a great national bounty; it has been once wasted in the rivers and roads, and if it must be paid, as the constitution proceeds upon the ground that each county is entitled to its fair proportion, justice demands that it should be divided among the counties, where (it will be argued) it is safer in the pockets of those to whom it belongs, than when controlled by irresponsible and heartless corporations. The executive inclines to the belief that the *county pocket* question will be the strongest.

But here, then, comes the question: When you have paid the principal and disposed of it, do you exonerate the state from the constitutional obligation to make provision by law for the payment of the interest? It may be said, we will look to the investment! But suppose it does not produce an amount equal to the interest; then the general assembly must provide the balance. What else will that be, in its practical operation, than the state standing as the security for the corporation or individual to whom she has confided the funds? If so, how is that reconcilable with the 33d section of the 2d article of the constitution, which is in these words: "The credit of this commonwealth shall never be given or loaned in aid of any person, association, municipality, or corporation?"

To pay the school fund in thirteen years, would require a tax of four cents on the hundred dollars, according to the present valuation; and, after being paid as a school fund, the general government may call for the principal, and the people be compelled to pay it a second time, or at least the $850,000.

The people were told that the new constitution had laid the foundation for the payment of the public debt without a resort to taxation; they were told that the state debt could not be increased without their vote at the polls to sanction it; they were told that the school fund was secured from legislative touch or control, and was constitutionalized. By the executive construction of the constitution, all those pledges will be redeemed. By the legislative, all are put to naught and set at defiance.

An effort has been made to convict me of inconsistency in the premises, by the use of a report made by me, as chairman of the committee of the sinking fund, to the senate, in the winter of 1844–5, wherein I admit that the sinking fund is chargeable with the payment of the interest on the school bonds.

Gentlemen need not have pursued their researches so far behind the present time. With half the labor to look into my annual message, and special message delivered on this very subject, they would have

found three admissions of the same fact. Whilst it has been conceded, that prior to the adoption of the new constitution, the sinking fund was created by, and was the creature of law, subject to the public will, it is now contended that the constitution took hold of the subject and gave to it a constitutional and fixed destination; that, finding the resources of that fund inadequate to the payment of interest on the *state debt* and school fund, and anxious to meet the public expectation by making a suitable arrangement for the payment of the public debt, the framers of the constitution, looking into the records of the country to find appropriate names by which to designate the two subjects upon which they were acting, found as the most usual and popular names for *debts due* to individuals and corporations, was that of the *state debt*, and under that name and style, dedicated the resources of the sinking fund to pay the interest and principal of those debts; and in like manner they found and adopted the term "school fund," to designate the several funds which had been devoted to the support of common schools.

That the convention did adopt those names, is perfectly clear from the language of the education clause, when it says: "The fund *called and known as the common school fund.*" By whom called, if it were not by the statutes and public records and documents of the state? By whom known, if not by the people of the state? Nay, it may be said this fund is so known far and wide. By examining the American Almanac, it will be found that, so familiarly known are those names, that they are used in that book, sought for far and wide for statistical information. It was, then, by that appropriate and generally known name, the constitution disposed of that subject; and, knowing the inability of the sinking fund to accomplish more than had been assigned to it, they relieved it from this burthen, and directed that the general assembly should make provision by law for the payment of the interest on that fund. I hope I am now distinctly understood.

If to sustain the schools be the object, it is safer to rely upon the executive construction. If the sinking fund is not able to pay, by the terms of the 34th section, the power to increase is but permissive. The legislature *may* or may not increase. If you rely and insist upon the 11th, or school article, the command is absolute: "The general assembly shall make provision by law," &c. Surely it will not be contended that the word *shall* must be transposed from the 11th article, in aid of the 34th section, and make it mean that the legislature *shall* only make a partial provision; that we must look to something else for the balance.

I was unwilling, in the outset, to avail myself of any report which I had made, but as it has been used by others, I may be permitted to use it in so far as to relieve myself from the supposed dilemma, as ex-

hibited by garbled extracts. The report shows, at the time it was made, an inability in the resources of the sinking fund to meet the interest due to individuals by the sum of $17,283, and an inability to meet that of individuals, and the interest on the education bonds by the sum of $63,833; and that up to that time sums to the amount of $150,254 62, other than the resources of the sinking fund, had been used to cash or square the balances due from that fund. The remedy proposed by that report is in the following words: "An increase "of taxation of one cent on each $100 worth of property would place "the sinking fund in a condition to be perfectly able to meet the in- "terest due to individuals. Three and one half cents would enable it "to meet all its yearly demands, payable to individuals and to the "board of education." The report proceeds in another place thus: "In this condition the moneys arising from the sinking fund will be a "source of continued legislative strife between those whose philanthro- "py has brought their minds to the conclusion that the public honor is "as much at stake in sustaining a system of education, as in paying "the interest due to individuals; and those who believe a system of "common school education a domestic policy, and that the first and "highest obligation is to preserve the public honor, by the payment of "interest due to individuals, who have parted with their money at the "solicitation of the state. Your committee are sensible of the high "obligation imposed upon every community to educate the children of "the country, and would most heartily co-operate in any plan sanction- "ed by the public will. But they regard the education of the children "of the country, by the use of the means of the people, as a domestic "policy, which ought to be pursued and considered with reference to "the burthens imposed on the community. The amount of the *state* "*debt* is fixed and its interest ascertained, and it must be met. The "public honor is a unit, and involves the private honor of every citizen. "It cannot be parcelled between parties. It must be preserved. If "in this condition the community consider the *pledge* to carry on a "system of common school education as sacred and inviolable, and bid "the sinking fund to pay the interest due to the board of educa- "tion, then the means must be provided to pay the interest due to in- "dividuals. On the other hand, if the community believe the public "honor at stake in the payment of interest due to individuals, and de- "termine to preserve it, the means must be provided to prosecute a sys- "tem of education, or it must be regarded as a *popular delusion*."

I feel obliged to gentlemen for making it proper, without a breach of delicacy, for me to present the views of this report, since it so completely vindicates my present position, and relieves me from the unworthy motive attributed to me of a desire to assail the new constitution. I might almost flatter myself that the convention had looked

into the reasoning of that report, and drew upon it when they, to my mind, so completely separated the two funds, with a settled purpose to avoid the present legislative strife. I will announce another fact to gentlemen; that it was at the close of a speech which I made in the senate, demonstrating the inability of the sinking fund to sustain a system of education, that I was asked by a member of the popular branch of the legislature to draft for him a bill to submit the question of taxation to the people for the purpose of sustaining common schools. I did make that draft; and such is the origin of the movement for the two cents tax law as it is called. I voted for it at the polls. I was prompted to pursue the course here indicated because I was impressed with the belief, that to become the champion of common schools in the popular forum, without incurring the responsibility of raising the means, would be to win a name without *consideration*, and acquire fame by fraud.

Thus it will be seen that my willingness to meet taxation for purposes of schools, is awakened by no new-born zeal in the cause of education, nor prompted by the unworthy motive of assailing the constitution.

What is the spectacle before this legislature? Two hundred thousand children are reported to be in the state—one hundred and seventy-eight thousand reported in districts formed. Out of that number, but seventy-three thousand are reported at school. A draft has been drawn upon the treasury for $144,000, and private bills passed swelling the amount to near $150,000. Your treasury is exhausted, and must cry out for relief. Can you go home, and, in truth and fairness, face a confiding constituency, and tell them that this system can be sustained without additional taxation? Let them know the truth, and prepare for the worst, is the dictate of an honest heart. It is my firm conviction, that when the bill shall be drawn upon the people for so glorious a purpose, it will be honored by them. I mean not the slightest disrespect when I express my apprehensions, that there is more timidity among those who seek for popular favor, than among the people themselves, on this question.

I find a speech made by Mr. T. W. Lisle, a member of the convention, in familiar use, as authority against me on this subject. I know Mr. Lisle. He is a gentleman, and above guile or deception, and a man of more than ordinary information and business habits; but he was never engaged in politics until he entered the convention; and it was not an act of kindness to him to refer to his speech without first understanding whether it was accurate in facts, since a simple exhibition of the facts stated will prove their utter fallacy, and his want of information on the subject about which he was speaking. Mr. Lisle said, in his speech: "Sir, the income on the sinking fund will be amply sufficient to pay the *ordinary expenses of the state*—the interest on

our *public debt*—the interest on the *school fund*—and leave a considerable sum to be applied annually to the extinguishment of the principal of the debt, without increase of taxation." Now for the truth of this assertion.

To pay the ordinary expenses of the state, will require one year with another, a sum ranging between three hundred thousand and three hundred and fifty thousand dollars, including ordinary appropriations; but, to make the calculation most favorable, I will adopt the least sum,	$ 300,000 00
To pay the interest on the state debt and contingencies,	262,500 00
To pay the interest on the present amount of school fund,	67,013 00
Aggregate,	$ 629,513 00
The annual income of the sinking fund, one year with another, for the three years preceding, and including the year the convention was held, produced the sum of	315,981 00
Showing a deficiency of	$ 313,532 00

Thus was Mr. Lisle mistaken in the very snug sum of three hundred and thirteen thousand five hundred and thirty-two dollars, per year; and instead of a large surplus to apply to the public debt, that sum would be the deficit. It has been clearly demonstrated to this legislature that the sinking fund is not able to meet the interest on the public debt and school fund, and it would be a waste of time to say more on that subject. The exposure here made of the fallacy of Mr. Lisle's statement, shows that he had not accurately informed himself of what constituted the sinking fund or the charges upon it. Criminal or uninformed, indeed, must be the man who will urge that statement as authority.

But that is not all. I will now turn the only accurate statement in the paragraph to use, against those who used it. Mr. Lisle uses the familiar terms, *state debt*, and *school fund*. If he intended that the school fund should be included in and constitute a part of the state debt, why did he, when he used that phrase, say "and school fund?" Did he use it as identical, or as a different thing? Did he mean the sinking fund would pay the interest on the school fund under the head of state debt, and under the name of the school fund also? Did the same gentleman, who states himself to be the author of the education clause, look to the payment of the school fund as a *state debt*, at the very moment when, by the section he wrote, he says it shall *remain inviolate*?—an expression which, to the common understanding, means a very different thing from payment, when made to apply to a fund. It was Mr. Lisle who used the phrase, "*called and known as the school fund*," which shows he knew the distinguishing names of the two subjects about which he was acting, though very inaccurate as to his figures.

In my special message, I said no money had been paid by the sinking fund for *common school purposes*, until that paid by Governor Crittenden, under the law of 1850. In using the term common school

purposes, I employed the language of the constitution, which I understand to mean the use of money to pay the price of tuition. To convict me of an error, an array of official documents are produced, beginning with 1839–40, and running up to 1843, showing payments to that time, made by the commissioners of the sinking fund to the board of education, amounting to near, if not quite, $100,000. But the distinguished author of this grand discovery, in a spirit true to himself, and finding in the history of this affair much to condemn and nothing worthy of praise, in almost the succeeding paragraph, makes the legislature, in a sharp manner, inquire of the superintendent why no money had been paid for common schools—to which the superintendent is made to reply: "Why, for the simplest possible reason, there is no money." I might leave this statement unexplained, to recoil upon the head of its author; but it is my purpose to impart the truth as I understand it. The fact is, the government wanted the money, and by law, bonds were given for it, in part, and the largest part was employed in the purchase of the spurious stock in the Bank of Kentucky, issued by Levis; which stock the state afterwards, by the consent of the bank, recognized and made good. From the proceeds of that stock, and some small appropriations from the ordinary revenue, were the schools in operation mainly supplied, until the passage of the two cents tax law. I think I can safely say, from the passage of the law in 1845, incorporating the commissioners of the sinking fund, no payment was made by the commissioners, until that paid by Governor Crittenden, under the provisions of the act of 1850. In the year of 1849, by a statute of that year, a bond was executed for arrears of interest to the amount of $308,268 42.

But, as part of the tirade poured out upon the public functionaries, and representatives of the fathers of the children, it is stated by those who claim to be the exclusive friends of the poor children, that there was no *positive law*, until that of 1850, directing the payment by the commissioners. If there was no law, then, all payments made were unauthorized. First, the commissioners are censured for not paying, and, in the next breath, we are told there was no *positive law* to authorize it.

The act before me purports to be an act to provide for the payment of the interest on the school fund. By the term *provision*, or *provide*, in the sense used, it must be understood that something is or will be furnished or supplied, with a view to satisfy an existing demand, or to accomplish a contemplated purpose.

If I understand this act, there is nothing furnished by its provisions, except the doubting opinion of the legislature that the sinking fund is liable to the payment of the principal and interest of the school fund. To make provision for common schools by the expres-

sion of such an opinion, cannot fail in its practical operations to prove to be a very scant provision. But the conclusion of that opinion is to the effect that provision had already been made for the payment of the interest on the school fund, by the 34th section of the 2d article of the constitution. Well, it may, without doing violence to the ordinary rules of construction, and the law of presumption, be fairly presumed, that the framers of the constitution did not know that they had made such provision, or they would not have directed the legislature to make such provision by law. But so stands the case: the constitution, by the 1st section of the 11th article, directs the general assembly to make provision by law for the payment of the interest on the school fund. The legislature complies with that requisition, by providing an opinion, (about the correctness of which opinion *doubts are entertained*,) that the sinking fund is liable to pay the interest. The title of the bill professes its object is to make provision for the payment of interest, &c. Does the body of the bill conform to the title, when it expresses an opinion that both *principal* and interest is chargeable, &c., and directs the commissioners of the sinking fund to pay as heretofore, under the provisions of an existing law, passed in 1850? Can this act, as it is called, be considered in any other light than a legislative exposition of the constitution and existing laws; and in that regard it assumes the exercise of a judicial power. But in another aspect it assumes the character of a legislative mandate, commanding the ministerial officers to execute an existing law, and thus exercises an executive prerogative. It does not, as is the province of the law making power, prescribe duties to be performed by the ministerial officers, but at once proceeds to declare what the law is, and directs its execution. I protest against this extraordinary exercise of illegitimate power. The constitution says it shall be the duty of the executive to see that the laws are faithfully executed.

But in this investigation names, and the mode of describing things, become important; and it becomes, or may become, a matter of much moment with the commissioners that their duties shall be well and certainly defined. In that view it may be well to enquire whether the legislative opinion, by the use of terms or names, does not conflict with, or direct the performance of duties irreconcilable with the provisons of the act which it endorses.

The commissioners are directed to pay, out of any money in their hands belonging to the sinking fund, the interest on the *school fund*, in execution of the law of 1850, *as heretofore*. The act of 1850 directs that the interest shall be paid on the *bonds* then held, or which might thereafter be held by the board of education, out of any moneys that might remain after the payment of interest due to those holding bonds other than the board of education. The payment heretofore

made by Governor Crittenden, or the commissioners under his administration, was full pay of an installment. Are the subsequent payments to be full payments and unconditional, or conditional or partial according to the state of the funds? But there may exist a wide difference in the amount to be paid, when tested by the letter of the two laws. By the term school fund is meant that fund to which reference is made in the constitution, amounting to $1,276,992 71; to which may be added $73,000 of bank stock. Is the bank to be relieved of that burthen, and that too cast upon the sinking fund? But there may exist a wide difference in law between the amount of interest on the school fund and that on the bonds of the state held by the board of education.

By this suggestion we are brought to the enquiry, what amount of the *bonds of the state* are held by the board of education? What is a bond in law, or in the legal sense of the term? It is thus defined: "In law, an obligation or deed by which a person binds himself, his heirs, executors, and administrators, to pay a certain sum on or before a future day." The gist of the matter, as regards the state, would be that the holder was possessed of a writing, executed by the proper authority, whereby the state was bound to pay a certain sum. Has the superintendent such a paper? If so, to what amount and under what terms executed?

It must be conceded by all right minded men that the state had the perfect right to absolve herself from the payment of principal and interest, or of either, of the bonds executed to the board of education. By the act of 1844–5, the state directed those bonds to be canceled, by burning. The cancelment of a bond exonerates the obligor from its payment. Those bonds, six in number, amounting in the aggregate to $917,500, were canceled by burning. But the law directing it to be done says *lists* shall be made by the officers, describing them by dates and amounts; and that paper, by law, is called *lists of bonds*. The act says nothing therein or thereby shall exonerate the state from the payment of the interest, clearly inferring that by the act done the principal was canceled, leaving the matter where it stood by all the statutes, contemplating the payment of interest only, and putting to rest the payment of principal, in any possible contingency. I now here furnish you with the list of one of those bonds, and contend that to the amount of $917,500 the superintendent holds no other paper.

"UNITED STATES OF AMERICA,
STATE OF KENTUCKY,
Frankfort, 5th Aug., 1845.

In accordance with an act of Assembly, entitled, "An act to increase the resources of the Sinking Fund, and to provide for the burning of certain State bonds and coupons," approved 10th February, 1845, the Board of Education surrendered to the Governor the following State bonds held by them, viz:

DESCRIPTION OF BOND AND COUPONS.	AMOUNT OF BOND AND COUPONS.
Bond No. 1, for $24,000, dated 9th day of August, 1840, bearing an interest of 6 per cent. per annum from the first Monday of July, 1840, payable semi-annually, on the first Mondays of January and July of each year, at the Merchants' Bank in the City of New York, and the said bond made payable at the said Merchants' Bank, in the City of New York, thirty years from the said first Monday of July, 1840. Said bond signed by the Lieut. and Acting Governor, C. A. WICKLIFFE. J. M BULLOCK, *Sec'y State.*	$24,000 00

[*Here follows the Coupons.*]

Which bonds, and coupons attached thereto, were burnt by the Governor in our presence, and in pursuance of the act aforesaid. This list is prepared, and a copy thereof is to be delivered to the Board of Education, with the understanding that the same is never to be passed, by delivery, transfer or assignment, by said Board, to any person or corporation.

Given under our hands the date above written.

WM. OWSLEY,
THO. S. PAGE, *2d Auditor.*
JAMES DAVIDSON, *Tr.*"

A true extract. Att:

THO. S. PAGE, *2d Auditor.*

Is there any thing in this paper which binds the state to pay any sum? It is no more than a memorandum of the contents of that paper, which once contained a covenant to pay, and which, if passed to an innocent stranger, would have been a debt in fact; but which had that day been destroyed, to guard against that contingency. This paper, by the act authorizing its execution, is called *lists of bonds*—not bonds in fact, but the representative of a once existing bond or bonds. If there is any thing which binds the state, it is in the face of the statute—not the paper—and that may be repealed. If the paper itself is no bond, where are the commissioners to look for the indebtedness of the state, but to the record which contains a list of the debts which the states owes? That record shows the education bonds cancelled.

The superintendent has one paper, executed by authority of law, called a bond for $308,268 42, and one for $101,001 59. The latter occupies a most singular position. It includes the $51,223 29 spoken of by the constitution, and directed to be invested—which direction was, of course, given to the legislature succeeding the adoption of the constitution. It also includes all the interest on the education fund, from the adoption of the constitution in June, until the 30th of December, 1850; and to that extent, in the opinion of the executive, it includes that sum, for the payment of which the constitution directs provision to be made by law, and which should be distributed among the counties. This bond was executed in July, after the adoption of the constitution; and, if it is a debt to be paid, the constitution prohibited its execution. Here are the difficulties created by the use of different terms in the two enactments.

But I may be asked, where is the evidence of this national bounty? I answer, in the face and fold of the constitution, and there to remain

as long as the form of the government lasts—where it cannot be burnt—cannot be wasted by profligate legislation—each man the keeper of his own due proportion, but bound by a solemn constitutional requisition to contribute his proportion of the interest for the education of the children. How could it be made more safe and enduring?

But it is contended that the board of education was an incorporated body, and, as such, received a vested right in those bonds, which could neither be abrogated, cancelled, or taken away by the legislature, or even by the convention.

The idea that the receiving of corporate powers by the officers of the government, to be used as part of the machinery of the government, and for the sake of its convenience, and intrusting them with the use and care of government funds, invests the right to those funds in such officers, and that they are placed above the legislative will, involves such an amount of legal folly, that a proper respect for the members of the general assembly will not allow me to suppose that it could be imposed upon them. But if the principle were a correct one—and such a legal assumption ought only to be used against one who had the temerity to advance it—it might be contended that the commissioners of the sinking fund were an incorporated body, and all the resources of that fund placed under their control, to pay the interest, &c., on the *bonds of the state then outstanding.* That law passed one year after the education *bonds* were burnt; and if the legislature have no power to control corporations created by its authority, for the benefit of the state, what right had the law of 1850 to interfere with the financial arrangements of the commissioners? But, as appears from the memorandum, the board of education surrendered the bonds to be burnt, and thereby waived their corporate right to the principal.

Among the most remarkable legislative curiosities attending the bill under consideration is, that it begins with a "*whereas, doubts exist.*" That doubt must, as a necessary consequence, be made to apply to the constitutionality of the measure; and then proceeds with a *wherefore*, which expression must be understood to mean because of the existence of those doubts, *we pass this enactment.* Who doubted on the subject? Certainly not the executive; and the executive feels assured that it was gratuitous to assume that the commissioners of the sinking fund doubted. Certainly it had not been communicated to the legislature that the judiciary doubted, and hence the necessity of a legislative opinion to remove their doubts. Then it was the legislature who doubted, and doubting took the precaution to express those doubts on the face of the act. I am somewhat curious to know whether there can be found a precedent for the passage of a bill expressing on its own face doubts as to its constitutionality. And it has so happened that those who claim to be strict constructionists have for the

time being, for a *pro tem.* purpose, so far relaxed the rigid rules by which they are accustomed to be governed in constitutional construction, as to vote for a bill expressing on its face doubts as to its constitutionality. I have heard it rumored that the executive asked the opinion of the legislature. Nothing can be more erroneous. Examine page thirteen of the annual message, and it will there be seen to what subject the attention of the legislature was called.

How is this law to be executed. The commissioners must occupy the position of trustees, bailees, or fiduciaries, and must, as matter of law, be amenable in some way for their faithful execution of the trust, according to law. Their liability may turn upon wilful negligence, or want of prudent care. An act which violates the constitution is no law, and a payment made under such act would be as though no such act had passed. Is the executive then to see that this law be faithfully executed, by calling the attention of these fiduciaries to the fact that the authors of the act doubted its constitutionality; and that the executive does not entertain a doubt that it is unconstitutional, and that they must pay at their own hazard. With what grace would such a bill make its appearance before the judiciary!

I feel constrained to take a brief view of the history of the passage of this bill in its various stages, to establish the fact that the doubts entertained were with the legislature. The bill at one time contained an affirmance that the law of 1850 was constitutional. That was stricken out by the senate.

In its origin, the title was, "An act to provide for the payment of the principal and interest of the school fund." The word *principal* was stricken out of the title and retained in the body of the bill, and thus it passed the senate. In the house, the term *principal* was stricken out of the body of the bill by a large vote; and so it was decided that the executive was right on *principal*, but wrong on *interest*. To that amendment the senate would not agree, and the house receded—the vote against the bill in that form being doubled. But the most remarkable fact attending this disagreement between the two houses is, that, on its return to the senate, Mr. Pope offered the following proviso:

"*Provided, however,* That the general assembly regards the sinking fund as liable for the principal and interest of the common school fund."

This proviso was unanimously rejected by the senate. Thus that body stood committed against the payment of either principal or interest. The senate is certainly well fortified; for that body gave a pretty full vote on both sides of the question.

Can a better example be furnished, to show how it is that a body may give a negative vote which does not reflect the true opinion of the body, when at the moment it was their opinion that the same thing

had been attained, or it was their settled purpose to attain it in a different form? Just such a vote was given on Mr. Kavanaugh's proposition in the convention. From the above history, it is manifest that the bill states the fact that doubts did exist, and as the legislature states it as an existing fact, it is very clear that they had the best right to know it was with them the doubts existed.

Well, if one hundred and thirty-eight legislators doubt, the executive, if for nothing else than a respect to their well-founded doubts, should withhold his signature and approval. It does appear to the executive, with all possible deference to the legislature, that if they do doubt upon a measure of such immense importance, involving no less than a defeat of the payment of four millions and a half of debt, and assuming a principle which will increase the burthen of the people one million and a half more, they ought not to act.

The commissioners of the sinking fund concur with the executive in opinion; but I felt that it was due to the relations which existed between them and myself, to furnish them with the best legal advice which could be procured—willing myself, if sufficient reasons could be given to convince my judgment, to yield to the opinions of those not so far committed, and frankly retrace my steps. I embody, as part of this message, the opinions of several gentlemen, eminent for their legal and constitutional learning; which have been furnished, at my suggestion, for the consideration of the commissioners of the sinking fund. It will be seen that they directly and strongly fortify the opinion of the executive. I am induced to embody these opinions here, with a view to furnish you with all the light I have upon the subject. I hope you will not consider it any disrespect to you, or wanting in respect to myself. May I not once more ask you calmly to review this subject. I am aware of your generous sympaties for the poor children of the country; but among the noblest lessons which should be taught them is to respect the constitution of their country.

I am aware that many supposed the whole school fund was depending upon the issue of this question. That was a false impression. There was in the treasury near $100,000 subject to the draft of the superintendent, not at all involved in this question; and now the whole sum which the superintendent had a right to draw for has been paid. It is an exercise of one of the highest attributes of our nature to retract when we find ourselves in an error. The schools will not suffer this year; then let a season for reflection pass before you finally commit yourselves on a subject involving such vast interests. If you choose to refer this matter to the judiciary, the executive tenders his readiness to aid in any scheme of finance to relieve the legislature of difficulty or responsibility.

The opinion of Mr. GUTHRIE, President of the Convention.

TO HIS EXCELLENCY, JOHN L. HELM:

DEAR SIR: At the instance of a friend who called my attention to the subject of the state debt and the school fund, under the constitution, and before the receipt of your letter, I gave the enclosed opinion:

The second article of the constitution, section 34, declares: "The general assembly shall have no power to pass laws to diminish the resources of the sinking fund as now established by law, but may pass laws to increase it; and the whole resources of said fund shall be sacredly set apart to the payment of the interest and principal of the state debt, and to no other use or purpose until the whole debt of the state is fully paid and satisfied."

The sinking fund had been raised by various laws of the legislature, for the payment of the interest and principal of the state debt, but was subject to legislation, and might be increased or diminished, or diverted to other purposes. The convention seized upon it as it then existed, and devoted it to the payment of the state debt.

The first section of the eleventh article enumerates the fund known as the common school fund, and declares it shall be held inviolate for the purpose of sustaining a system of common schools, and the interest and dividends of said fund might be appropriated in aid of common schools, and for no other purpose; and further declares, the legislature shall make provision by law for the payment of the interest of said fund.

The convention treated the state debt as one thing and the school fund as another, and for the payment of the interest and principal of the state debt, seized upon the sinking fund, and provided against the legislature lessening its resources until interest and principal were paid, and gave the school fund a constitutional sanction, and made it the duty of the legislature to provide for the payment of the interest of it.

The school fund, under the constitution, is no part of the state debt, and never was intended to be a charge upon the sinking fund; and the constitution makes it the duty of the legislature to provide for the payment of interest on the school fund. The convention would not have made double provision for payment of the interest on the school fund—first, out of the proceeds of the sinking fund as part of the state debt, and then made it the duty of the legislature to provide for it otherwise.

The question is clear of doubt or difficulty upon the face of the constitution. The legislature must provide for the interest of the school fund by taxation, and the sinking fund must remain devoted to the payment of interest and principal of the state debt.

I know it was not my intention, as one of the framers of the constitution, to have that part of the fund which the state held, paid out of the sinking fund or otherwise; and I do not think the constitution will bear such a construction. The surplus interest then on hand, and what should thereafter arise, was directed to be invested; and there is no direction to invest the twelve hundred and odd thousand dollars, which would have been directed if it had been the intention of the convention that it should be paid. That sum was the $800,000 deposited with Kentucky by the government of the United States, and its interest, which it was never expected the government of the United States would call for; and, although pledged to educational purposes, it had been used for internal improvement purposes, and was not a state debt, in the technical sense of the term; because neither a state, corporation, or individual, can be both debtor and creditor as to the same sum; and it was not treated as a debt by the convention. The constitutional recognition of that sum as part of the school fund, was the only investment intended; and the direction that the legislature should provide for the payment of the interest it was deemed had made the capital of the fund productive. The state debt and interest, under the 34th section of the 2d article, was provided out of the resources of the sinking fund, and the legislature was prohibited from applying those resources to any other object until debt and interest was paid. The payment of the interest of the school fund out of the resources of the sinking fund is, to my mind, a palpable violation of the constitution.

Respectfully, JAMES GUTHRIE.

The Hon. BEN. HARDIN, member of the convention, and chairman of the committee on the state debt, in a letter to one of the commissioners of the sinking fund, says: "I have read the Governor's special message, and fully endorse every position in it."

Mr. BRADLEY, the author of the 34th section, and now a member of the legislature, in his place, made a speech against the bill under consideration, and strenuously insisted upon the executive construction as being the true construction, and will effect the purposes contemplated by him.

Mr. KAVANAUGH, another member of the convention, and now a member of the legislature, stated in his place, that he was present when the 34th section was drawn, and knew the purposes contemplated by the mover, and felt warranted in saying that the construction of the executive was such as contemplated by the mover.

Opinion of J. W. STEVENSON, ESQ.:

COVINGTON, 20th February, 1851.

HIS EXCELLENCY, JOHN L. HELM:

MY DEAR SIR: As a member of the convention, I did not suppose that the public debt, as used, included the school debt. I was well satisfied that in the contemplation of those members of the convention who were most anxious that the public debt should be paid, and who were prominent in urging upon the convention the means and mode of doing it, and the necessity of providing for its certain extinction within a certain time, never contemplated that the term public debt, as used by them, should include the school debt.

I greatly doubt whether fifteen men in the convention contemplated a payment by the state of the principal of the school debt within a certain time.

It may not be improbable that different members of the convention entertained different views of the binding effect of the proposed clauses of the constitution, at the time they were adopted. I can only give you my opinion and understanding.

As to the effect of the constitutional provision, as adopted, upon the sinking fund commissioners in their duty, and what will be the judicial exposition of those provisions, is a nice and important question, and one upon which I could give no opinion, without that careful examination which I am prevented from giving to the subject at this time. I am inclined to believe you are right.

I have myself been always in favor of the school system. I look upon it as one of the surest bulwarks of free government. I have felt the deepest solicitude for its success; still I cannot pursuade myself that a majority of the convention intended to bind the state to pay the principal of the school fund in a certain time, and to make the sinking fund equally as liable for its extinction as it was for the public debt.

I may be in error; if so, it is an honest one, and against a system whose success I have greatly at heart. Still my opinion is honestly and frankly given of what I thought at the time, and in which I am constrained to believe a majority of the convention agreed with me. I can give good reasons for entertaining it.

In great haste, very cordially your friend,

J. W. STEVENSON.

Opinion of JAMES HARLAN, Attorney General:

ATTORNEY GENERAL'S OFFICE,
March 1, 1851.

TO THE GOVERNOR:

I had the honor to receive, some time since, your note requesting my opinion, whether, according to the provisions of the constitution, the "common school fund" should be regarded as a part of "the debt of the state," for the payment of the interest and principal of which the resources of the sinking fund are pledged.

The great importance of the question, and the diversity of opinion which exists amongst gentlemen of acknowledged abilities, required that the subject should receive careful examination and deliberate consideration.

The result of my examination of the question is, that the school fund is not, according to my understanding of the constitution, a part of the debt of the state chargeable on the sinking fund.

I deem it unnecessary to present to you all the reasons which have led my mind to that conclusion. It may be proper, however, to advert very briefly to some of them.

The general assembly is prohibited, by the 34th section of the 2d article of the constitution, from passing laws to reduce the resources of the sinking fund as they existed at the adoption of the constitution; "and the whole resources of said fund, from year to year, shall be sacredly set apart and applied to the payment of the *interest* and *principal* of the state debt, and to no other use or purpose, *until the whole debt of the state is fully paid and satisfied.*"

By the 1st section of the 11th article, the capital of the fund *called and known* as the "COMMON SCHOOL FUND," *shall be held inviolate*, for the purpose of sustaining a system of common schools. One of the items composing that fund is an unexpended balance for the year 1848, amounting to $51,223 29. The section then reads: "The *interest* and *dividends* of said funds, together with any sum which "may be produced for that purpose, by taxation or otherwise, may be appropriated "in aid of common schools, but for no other purpose. The general assembly shall "*invest* said $51,223 29 in some safe and profitable manner; and any portion of "the *interest* and *dividends* of said school fund, or other money or property raised "for school purposes, which may not be needed in sustaining common schools, "shall be invested in like manner. *The general assembly shall make provision by "law for the payment of the interest of said school fund.*"

I understand the meaning of this section to be—*first*, to preserve *inviolate* the capital of the school fund—*second*, prohibiting the appropriation of the *interest* or *dividends* to any purpose other than the benefit of common schools—*third*, authorizing and directing the investment of the unexpended balance of 1848, and any surplus that might hereafter arise, in some safe and profitable manner, but not giving any power to *invest* the capital or *principal* of the fund—*fourth*, making it imperative on the general assembly to provide by law for the payment of the interest on the capital of said fund.

I am satisfied the framers of the constitution did not intend to be understood that the principal of the school fund should be paid at the maturity of the bonds held by the board of education, and the amount *invested* in stocks, or in any other manner—first, because there is no authority given by the constitution to make such an investment—secondly, because the general assembly are bound to make provision by law for the payment of the *interest*, without restriction or limitation as to time. A different construction would involve the absurdity of requiring the levying and collection of a tax to pay the principal, and after that is done, to tax the property of the citizens for all time to come to pay the interest—that is to say, to continue the payment of interest on a demand after the principal had been discharged.

The 34th section to which I have referred, provides that the resources of the sinking fund, "*as now established by law,*" shall not be *diminished* until the whole of the debt of the state shall be paid. These resources consist, in part, of a certain portion of the taxes annually levied and collected from the citizens. If, as some contend, the school fund is a part of the state debt referred to in this section, and if, as I have attempted to show, the principal is never to be paid, the resources of the sinking fund can never be diminished—not even after the payment of the whole demands against the state, except the school fund.

If the payment of the interest on the school fund was intended by the framers of the constitution to be a charge on the sinking fund, there was no necessity for inserting in the 1st section of the 11th article, that "the general assembly *shall make provision by law* for the payment of the interest of said school fund."

I am therefore of the opinion—*First.* That the "common school fund" is not *a debt* against the state, within the meaning of the constitution. *Second.* That no part of the resources of the sinking fund can be applied to the payment of either interest or principal of the school fund; and *third,* that the general assembly should make provision by law for the payment of the interest on the school fund.

I have the honor to be, very respectfully, your obedient servant.

J. HARLAN, *Attorney General.*

Opinion of Judge ROBERTSON:

LEXINGTON, 14th FEBRUARY, 1851.

SIR: Having, with proper concern, considered your written communication requesting my opinion on the constitutional question concerning which the legislative and executive departments of Kentucky seem to occupy conflicting positions, I have concluded that I cannot withhold a compliance with your request consistently with either personal courtesy to yourself or my duties to your official station.

The question, as I understand it, is simply this: will the lately adopted constitution of Kentucky *allow* the application now, or for some years to come, of any portion of the "*sinking fund*" to the use of the "*school fund?*"

The sinking fund—established long before the dedication of the school fund—consists of certain portions of annual revenue, set apart and pledged for the prompt payment of the accruing interest, and ultimate redemption of the principal of the "*state debt.*"

A brief history of the school fund will help to show how far, or whether at all, it is, in the legal sense, such a "state debt."

Congress having, in the year 1836, passed an act for distributing among the states, according to the ratio of population, a portion of the proceeds of the sales of the public lands, which had been perseveringly claimed by many of them as their right—the share of Kentucky amounted to $1,433,757 39. That fund came into the treasury of Kentucky without any other incumbrance on its use or destination than a lien for securing restitution, in the event of reclamation by the general government.

By the 9th section of an act of February 23d, 1837, the legislature of Kentucky provided, "that the *profits* arising from one million of dollars of the revenue of the United States, *deposited* and *to be deposited* with this state, by virtue of the act of congress of the 11th June, 1836, be and is hereby set apart and forever dedicated to founding and sustaining a general system of public instruction in this state." The 10th section of the same act provided, also, "that until such system shall have been devised by law, the said profits shall be placed under the direction and control of the commissioners of the sinking fund, who are hereby required to discriminate the same from the other ingredients of said

"fund, with a view to the abstraction thereof, together with the accumulations "*therefrom*, as soon as the same shall be required under said contemplated sys- "tem." By the 7th section of the same act, the commissioners of the sinking fund were directed, on a contingency which afterwards occurred, to receive and invest, in "profitable stocks," the whole amount of Kentucky's distributive share of $1,433,757 39. As the governor of Kentucky had legislative authority to raise money by the sale of "state bonds, or scrip," the commissioners of the sinking fund, during the year 1837, transferred to the treasury of the state the said sum of $1,433,757 39, and took, in exchange, state bonds for an equal amount, bearing an interest of 5 per cent., payable semi-annually; and the money was of course used by the commonwealth, in the payment of her debts.

An act of February 16th, 1838, organized a system of common schools, and the 1st section of the act provided, "that the *interest upon eight hundred and fifty* "*thousand dollars* of the fund set apart by the commissioners of the sinking fund, "under the provisions of an act approved February 23d, 1837, and all moneys "and other property hereafter provided for, or which may hereafter be appropri- "ated to the use of common schools, shall be and the same is hereby constituted "a common school fund for the state of Kentucky."

By an act of February 10th, 1845, the legislature directed the destruction, by burning, of those bonds which were held by the board of education, and the substitution of "duplicate lists" of them with their coupons, to be made out and recorded in the offices of the 2d auditor and the secretary of state, declaring that said lists should *not be transferable*, and that the burning of the bonds should not, "in any wise, release the state from the obligation it is now under to pay the *interest* on the school fund."

On the 29th February, 1848, there being then unpaid $294,000 of interest claimed by the board of education, the legislature passed an act directing the govern or to issue a state bond to the board for that sum, "payable," "*at the pleasure of the legislature*," *non-assignable*, and bearing an interest of 5 per cent., "payable half-yearly, on the 1st of January and 1st of July."

By an act of 26th February, 1849, a tax of two cents *ad valorem* was imposed for augmenting the school fund, and the net proceeds of tolls on slackwater navigation were also "dedicated as an additional fund for common schools."

These successive acts of legislation show, indisputably, 1st. That no portion of the principal sum derived from the United States was dedicated to education, or, in any way pledged to the maintenance of common schools. 2d. That the whole of it remained, as it was received, the property of the commonwealth, subject to her absolute use and control, just as any other money in her treasury, and under no pledge except that of restoration to the government of the Union, if ever, and whenever, demanded. 3d. That, by using the money, Kentucky used only her own, and consequently incurred no debt, even to herself. 4th. That the scrip given as an effigy of that fund, was intended only as evidence of the disposition which had been made of the money, and as a memorial of the amount of interest appropriated to common schools. 5th. That, in burning that scrip, Kentucky was guilty of no act of "robbery," or even infidelity or injustice, but acted with a commendable prudence for preventing the sale and perversion of bonds, the principal of which was never to be paid, and to the possession of which the board of education had no shadow of right, except so far as they might have served as proof of the amount of interest dedicated to common schools, and when it was demandable; and, for all which latter and only legitimate purpose, the recorded "duplicate lists" were even more useful than the bonds, because they were not only equally explicit, but more permanent and less destructible. Nor do those enactments, or any of them, show that the legislature, by any dedication, even of interest, to the cause of popular education, intended to make any contract or create any *debt*, or ever contemplated more than to declare a purpose to patronize

that great cause, by organizing a system of common schools and helping to promote its success by periodical advances of prescribed means; and, in that way, endeavor to advance the "general welfare" of the commonwealth, as it might have done in other and analagous cases—such as dedications of funds to internal improvement by slackwater navigation and state roads. And, in respect to all of which ends, and each equally, the policy might be changed, the pledge revoked, and the plighted fund withheld, or diverted, without the imputation of a breach of contract or repudiation of a "debt."

This interpretation of the true character and effect of the entire legislation as to the interest of the school fund, is fortified, rather than weakened, by the fact that the act of 1848, directing the execution of a bond for unpaid interest, prescribes that it shall neither be assignable nor payable otherwise than "at the *pleasure of the legislature;*" which implies that the bond shall not impose on the commonwealth the burthen of a debt which could become due and demandable against the legislative will or pleasure, and therefore an assignment of it is not permitted. It is also fortified by the concurrent facts—1st. That an act of March 1, 1850, drawn by the superintendent of public instruction, directs the sinking fund to pay, from time to time, only so much of the semi-annual interest of the school fund as the commissioners shall have the means of paying, "after the semi-annual interest on the bonds of the state of Kentucky now outstanding, *other* than bonds to the board of education, *shall have been paid;*" implying that each class of claims is not a debt, or equally a debt, or a debt in the same sense; and, 2d, that the same act, in providing for the execution of a bond for interest unpaid on the 1st January, 1850, declares that the bond shall neither be assignable nor payable, otherwise than "at the pleasure of the legislature."

It appears, also, that Governor Clarke—who was privy to the investment in 1837—and every successive executive magistrate, including Governor Crittenden, in officially communicating the state of the public debt, invariably *excluded* the entire school fund, on the two-fold ground that no portion of the money deposited by the United States, in Kentucky, belonged to that fund, and that even the dedicated interest was payable, or not, as the legislative wisdom might determine; and if it could be deemed a debt, is a debt to the commonwealth herself; and each successive and cotemporaneous legislature has seemed tacitly to concur or acquiesce in this executive construction of the relation of the state to the school fund, and the extent and character of that fund.

In this state of case, and under these circumstances, the convention for reforming the fundamental law of Kentucky assembled in the autum of the year 1849, and proposed, for ratification by the popular vote, a new constitution, containing two, and only two, provisions bearing on the question we are considering, and neither of which has been modified, or in any respect altered, since the ratifying vote adopting the existing constitution. The first is section 34, article 2, prohibiting any legislative act for diminishing the resources of the sinking fund, "until the *debt* of the state be paid," and *consecrating* the *whole* of the resources of that fund "to the payment of the interest and principal of the *state debt*, and to *no other* "*use or purpose* until the *whole debt of the state is fully paid* and satisfied. The second is the 11th article, "concerning education," declaring that the school fund, as then existing, and as it might be increased "by taxation or otherwise," "shall be held inviolate for the purpose of sustaining a system of common schools, but for no other purpose," and ordaining that "the legislature *shall* make provision, *by law*, for the payment of the interest of said school fund." Looking at these two clauses of the constitution alone, without resorting to the aid of extraneous considerations, and considering, as all should do, the subject matter and the object inferable from the context, my interpretation, from the whole, is, that the 34th section of the 2d article applies to, and provides exclusively for the "state debt" raising from *contract*, which will become due at *fixed periods*, from which no legis-

lative act could absolve the commonwealth, and the failure or refusal to pay which punctually would degrade our national credit; and that the 11th article, and that alone, applies to the school fund, and contemplates the payment only of interest, and *legislative provision* as the sole means of payment. A few general reasons only will be suggested for this conclusion.

1. A debt, in the technical and available sense, arises from contract, express or implied, on a binding consideration, and imposes on the debtor, if that debtor be a person, a legal, or if a sovereign, a political obligation to pay, and entitles the creditor to a legal or political right to demand and enforce payment. For dedicating the school fund, Kentucky received no consideration except the satisfaction and advantage of promoting, as far as that act might promote, her own welfare. Nor was the dedication itself a contract; it only set apart the interest on a designated sum, and declared that it should be gratuitously devoted to the cause of popular education. That enactment might have been repealed, and the destination of the dedicated fund might have been changed, without impairing the obligation of any contract. The bonds afterwards given to the board of education for unpaid interest, being made payable at the pleasure of the state, in its legislative capacity, were not intended, as we may infer from their peculiar tenor, to change the pre-existing liability of the state, and should not, therefore, be construed as having any such effect. For these reasons, as well as others previously intimated, no portion of the school fund should be considered as being, in law or in fact, a proper and effectual state debt. It is a gift rather—a bounty of the character of a *legacy*.

2. Connecting the foregoing considerations with the fact that the executive and legislative departments had both seemed to consider "the school fund" as no part of the "state debt," it would be unreasonable to assume that the convention contemplated any portion of that fund as a "debt of the state," for securing, beyond question or contingency, the prompt payment of the whole of which, the members manifested so much anxiety, and provided such inviolable and extraordinary means.

3. The provision for "the payment of the *principal and interest* of the state debt," imports that the debt contemplated consisted of principal and interest, or was not a debt for interest alone. But the capital of the school fund, so far as it relates to the state, is all interest. The state has never engaged to pay any portion of the $850,000, the interest on which amount was dedicated to common schools; and it would be absurd to suppose that the convention intended to tax the people to pay into the treasury, as "a state debt," $850,000, which, when collected, would be the money of the state, and so remain until appropriated by act of assembly, and expended. On the contrary, the 11th article of the constitution declares that the entire capital of the school fund "shall be held inviolate."

4. *As the 34th section of the 2d article forbids any legislative act for mitigating the taxes which supply the sinking fund, until the whole state debt*—principal and interest—shall have been "fully paid and satisfied"—*the taxation for the sinking fund, however superfluous it might, in time, become, must be fastened, like an incubus, on the bosom of the commonwealth, as long as the constitution shall remain unchanged, if any portion of the school fund be deemed a state debt, required to be paid by that fund; because the dedicated interest will accrue, from year to year, as long as common schools exist; this would, unjustly, stultify the convention, oppress the people, and finally render common schools odious.*

5. The controlling object of the convention may, most reasonably, be presumed to have been the preservation of the credit of the state, and the exoneration of the people, as soon as possible consistently with their convenience, from a heavy debt which they had bound themselves to pay at prescribed periods, and which, when due, they must either fully pay or disgracefully repudiate. It could not

have been rationally expected, or even hoped, that the sinking fund, as constituted, could pay the accruing interest of the school fund, and that on the state debt proper, and also accumulate a fund sufficient to pay that enormous debt as it shall fall due. And, though authority is given to increase the resources of the sinking fund, it is nevertheless obvious that this was done to meet unexpected contingencies, and that the convention deemed the regular product of that fund sufficient for effecting, in proper time, the full payment of the "state debt" which it was sacredly devoted to pay. Then, is it not intrinsically probable, almost to moral certainty, that the school fund was not considered a state debt provided for by the 34th section of the 2d article of the constitution? As the onerous debt which, by solemn contract upon full and valuable consideration, would become due at conventional periods, must—to save the honor and credit of the state—be paid before, or as soon as due, however unpopular, or whatever might happen, is it not altogether probable that this was "the debt of the state," the *certain* and *punctual* payment of the whole of which, principal and interest, the convention intended to secure against popular caprice and legislative power? And, as the system of common schools is, as yet, but an experiment in Kentucky, and could neither be made useful nor should be sustained longer than public opinion shall approve it—and as, moreover, the sinking fund could not be expected to supply the school fund and meet all the debt with which it is charged by the constitution, is it not quite probable that the convention thought it not only sufficient, but best to leave to the patronage of public sentiment the product, as well as the application of the school fund, in time to come, as in time past?

6. The convention contemplated the payment of the principal of the state debt before, or as soon as it should become due. This could not be expected from the sinking fund, unless its savings, after paying the annual interest, should be sufficient for anticipated partial payments of principal, or should, before it becomes due, accumulate to an amount exceeding $3,000,000. If, in the vicissitudes of the future, the pressure of a crisis, not very rare, shall reduce the market value of our state bonds considerably below par, policy would dictate a purchase of them, as far as means could be commanded by the state without oppression. The occasional absorption of the principal of the debt, by partial purchase, was desired by the convention. It would be rather unreasonable, then, to presume that the convention intended to charge the sinking fund with the payment of the school fund, either as interest or as "principal and interest." It would seem to be much more reasonable to presume that—considering the school fund as merely a maternal pledge for the education of the children, and considering the obligation of the state to refund, as she had covenanted to do, at a fixed time, money she had borrowed and used, as a debt which *must be punctually and fully paid*—the convention—regarding, as above all price, the credit of the commonwealth—determined to secure, beyond contingency, the certain payment of that debt; and, establishing also the school fund as an inviolable capital, resolved to impose on the future representatives of the state the duty of providing the means of paying the annual interest on that embalmed gift to her own children. The public debt, excluding the school fund, may be estimated at about three million two hundred and fifty thousand dollars. After paying the interest on that sum, there may be expected to be, at the end of each year, a residuum of not much, if any, more than about $50,000, of the avails of the sinking fund. This annual surplus, if applied to the purchase of portions of the debt, or invested prudently from year to year, would not be more than enough for the certain payment of this "whole debt," without defalcation. If, however, the sinking fund should, either by good fortune or by an augmentation of the taxes, produce more, ever so much more hereafter than hitherto, the whole profit, whatever it may be, might be usefully applied to the progressive extinguishment of the principal of the three and a quarter millions debt at par, and probably at less. I have heard, and from a credible source, that

even now, two hundred and fifty thousand dollars of that debt could be bought with ninety cents for each dollar of it. If this be so, and the commissioners of the sinking fund had the means of making the purchase, they might, by that single operation, save to the state $25,000. There is much reason for presuming, therefore, that the convention—manifesting such anxious concern about this heavy debt, and providing such stringent means for the prompt and certain payment of it—intended that none of the moneys locked up by the constitution for paying it, should ever be applied to any other purpose, until that object had been completely accomplished. And such I consider the true constructive aim of the 34th section of the 2d article of the constitution. "The debt" contemplated by the 34th section is a debt that *may be extinguished; it cannot be a continually recurring liability, declared to be immortal.*

In my judgment, the 11th article fortifies this construction of the 34th section in such a manner as to authorize a conclusion difficult to resist.

The 11th article—the whole of which is devoted to the "school fund"—imbeds the capital of that fund in the body of the constitution—consecrates it as forever inviolate—authorizes the profits "to be appropriated in aid of common schools, but for no other purpose"—and then, with the trumpet voice of congregated Kentucky, commanding the legislature to make provision by law for the "payment of the interest"—stereotypes the solemn injunction in letters of sunshine, that "he who runs may read."

Hence we may derive strong considerations, corroborative of those already suggested, for the conclusion that the sinking fund is not pledged to sustain the school fund; or, in other words, that the school fund is not *the* debt, for the payment of "the principal and interest" of which the sinking fund is mortgaged, by the 34th section of the 2d article of the constitution.

1st. To the whole extent of the original dedication by the act of 1837, and of the accumulations unexpended and certified by bonds, recognized and established by the 11th article as capital of the school fund, the provisions of that article itself show that the capital is only nominal, and that the state is never required or expected to supply it in money, or otherwise than by her credit and her liability for interest on the amount of it. To raise, by taxation, any portion of that ideal capital, or, when so raised, to transfer it to the board of education, or to place it in the treasury, would violate the spirit, if not the letter of the 11th article, declaring that the fund "*shall be* held inviolate." And even if constitutional, such a course might be as suicidal as it would certainly be puerile. It might endanger a fund left by the convention in safety under the guard of the constitution; if taken from the custody of the supreme law, it might be misapplied, wasted, lost. Even if preserved and judiciously appropriated to education, it would be capital no longer, nor would produce interest any longer. And if the whole of it should be converted into money, there would then be no "interest of the school fund," for which the legislature is required to make, or could "make provision by law." Besides, why tax the people to convert a *titular* capital into money, which would be less safe, and probably less productive, than the state credit; and which, if always perfectly safe and judiciously invested, could not be expected to produce more than the interest the people are required by the constitution to pay on the amount of it, *for never being required to advance it?* This consideration, were there no other, tends to show that what is called principal of the school fund is no state debt. It serves to show, also, that if now, since the adoption of the present constitution, the interest on the school fund should be deemed a state debt, it is not such a debt as "*the* debt" intended by the 34th section: 1st, because that was the debt previously incurred and then subsisting—and the interest on the school fund was never a "state debt," until made, if indeed it is made *so*, by the 11th article of the constitution; 2d, because the debt for which the sinking fund is

pledged, consists of "principal and interest," and the interest of the school fund cannot be a debt of both principal and interest.

2d. If the 11th article should be interpreted as recognizing "the interest of the school fund" as a debt, it also devolves on the legislature the duty of providing the means of payment; which implies that the recognition of the duty to pay is on the condition, and with the understanding, that the certainty of payment shall depend on no other guarantee than that of the constitutional injunction on the legislature to provide the means, and of popular good faith, and legislative fidelity. The constitution provides for paying "the debt," and requires the *legislature* to provide for the payment of the interest of the school fund. Had this interest been considered a portion of "the debt" of the state, provided for by the 34th section, the command to the legislature to make provision, *by law*, for the payment of it, would have been superfluous. The provision required must be understood to mean a provision of *the means* of payment. I can perceive no plausible ground for any other interpretation. It could not have been intended to mean some provision for prescribing the amount of interest to be paid, or the times, or the mode of payment; because the aggregate sum, on which the interest was to be calculated, was fixed by the constitution, and had been previously defined by statute—the burnt bonds stipulated for the payment of semi-annual interest in money—pre-existing and still continuing law, had settled the rate of interest and the time for each semi-annual payment, and the recorded lists contain a memorial of every thing essential or useful in the bonds. Then nothing, but the money to pay with, remained unprovided for. No legislative *provision* "for the payment of the interest" could be necessary or useful for any other purpose than for providing the "ways and means"—nor can the provision be consistently understood as merely supplemental to the sinking fund, or as contingent in the event or partial to the extent of a deficit in the avails of that fund. Had this been the purpose, a more infelicitous or delusive mode of expressing it could not have been adopted than the words we find in the constitution, which necessarily import an imperative command, without any qualification of either contingency or discretion. "The gen-"eral assembly *shall* make provision, by law, for the payment of the interest of "said school fund," imposes an inevitable duty, without any other qualification or contingency than the implied one of the failure of common schools; and necessarily implies, also, that the constitution itself had made no provision of the means of paying that interest, and therefore required the legislature to provide them. I can imagine no other rational motive for the requisition; but I can plainly see that, had it not been prescribed, and in unconditional terms, the great object of placing the school fund beyond the reach of legislative power would have been frustrated. If the sinking fund had been made liable for the interest on the school fund, as well as for the payment of the public debt, it could not have effected both objects—and consequently, not only might each be partially and injuriously defeated, but, as common schools might become more popular than foreign debts, and the education of our children more agreeable than the prompt satisfaction of alien creditors, repudiation, actual or virtual, might have been the humiliating consequence. And the sinking fund being therefore exclusively devoted to the security of all such creditors, until their whole debt shall have been paid, had the constitution left to the discretion of the legislature the supply of means for paying the interest of the school fund, the time might not be distant, when that body, unwilling to increase the taxes for that object, would let the system of common schools totter, and perhaps fall, and even perish for want of nourishment. Therefore, no such discretion was left; and without the provision as it is, the consecration of the school fund by the constitution, proving ineffectual for the *vital* purposes for which it was designed, might have made it a loathsome *mummy*. Such, in my judgment, was the motive—and such, consequently, should be the construction of this fundamental mandate.

3d. Had the 34th section been intended as a *provision* "for the payment of the interest" of the school fund, having authorized an augmentation of the means co-extensively with the end, it would be the duty of the legislature to supply any deficit in the fund set apart by that section. On this hypothesis, the requisition in the 11th article was not only superfluous, but incongruous and vexatious; and moreover, would have been more appropriately inserted in the 34th section, and thus have applied also to the state debt, proper, *in respect to which it would have been more necessary.*

4th. The sinking fund was created to pay "the state debt"—*not including the school fund, then not existing*—and, being established for that purpose, it was solemnly pledged, on the faith of the commonwealth, to the holders of her bonds, to be devoted to their security until full payment had been accomplished. Then, would it have been consistent with either good faith or sound policy, to revoke or qualify that pledge—especially by the *constitution*, which could neither be resisted nor disregarded?

5th. The simple fact that the 11th article is devoted solely to the 'school fund,' and provides every thing that could be deemed essential to its security and its utility, implies that the 34th section neither applied to, nor made any provision for that charitable fund; and this fact alone is almost, if not altogether, sufficient to show that the convention looked on the subject of the 34th section as an actual debt, and that of the 11th article as a munificent charity; the first, being inevitable, to be secured by a mortgage of the "sinking fund"—the last, being merely honorary, to be provided for by legislative enactment. Thus, Kentucky, by these two distinct clauses in her constitution—like an indebted mother, just to her creditors and kind to her own family, says in the first clause—"owing a large debt, for "money borrowed and used for improving the heritage of my posterity, and having, hitherto, provided a 'sinking fund' to sink and gradually discharge *that debt*, "I now declare that this pledged fund shall be faithfully devoted to the payment "of *that debt*, as soon as possible, and that no portion of it shall be diverted, by "my executors, to any other use, until the whole of 'the debt' shall have been "faithfully paid and satisfied;" and, by the second clause, says to her unadvanced children—"desiring to promote your moral improvement and qualify you to be-"come good and useful citizens of a noble commonwealth, I had, *after* providing "the 'sinking fund' for my creditors, declared that 'the interest' on another fund "should be dedicated to your education; and now, still anxious to effectuate that "desirable object, as far as I *prudently* can, I declare that this 'school fund' shall "be held inviolate by my representatives; but, feeling it to be my duty to be just "before I am generous, I further declare, explicitly and emphatically, that, *with-"out touching 'the sinking fund'* until my debt shall have been extinguished, my "executors 'shall make provision,' out of my other, and ample estate, 'for the pay-"ment of the interest' of the 'school fund.'"

Such is my interpretation of the 34th section of the 2d article and of the 11th article of the new constitution of Kentucky. If this be the proper construction of the constitution, on its face, it cannot be resisted or defeated by an appeal to extraneous considerations. But the debates and proceedings of the convention, when fairly and fully considered, strengthen this construction.

1st. They show a pervading and intensely earnest determination to secure, beyond contingency, the means of the certain and prompt payment of 'the state debt,' which, by *contract*, would become due at fixed periods; and, 2d, they conduce strongly to prove that this, and this alone, was 'the debt' contemplated in the 34th section. Mr. Bradley, who proposed that section, referring to the message of Governor Crittenden, exhibited the items of the 'state debt,' *showing, that no portion of the 'school fund' was any part of it*, and that the debt to be secured by the proposed section amounted only to $3,262,413 81. And then, alluding to that debt, and nothing else, he said: "I really desire to have the resources of this

fund [sinking] applied to the extinguishment of *the debt*, and to *no other purpose.*" *And no other object or purpose was vindicated, proposed, or intimated, in the whole debate on his proposition, as thus explained by himself, and reiterated by Mr. Kavanaugh and others.* (Debates, page 772.) Mr. Hardin, suggesting that the *liabilities* of the state exceeded six millions of dollars, deducted from that aggregate sum the liability forbank stock, which would pay for itself, *and the liability, also, for the school fund;* and, leaving, as 'the debt' which must be paid, the amount exhibited by the governor and Mr. Bradley, he showed that if the sinking fund would pay the accruing interest on that debt, a judicious investment of $50,000 a year, and from year to year, would, *in due time*, extinguish the whole amount of the principal. After both the 11th article and the 34th section of the 2d article had been adopted, Mr. Kavanaugh offered a resolution, declaring that the proceeds of slackwater navigation should belong to the 'sinking fund,' and that this fund should not be liable for either the interest or the principal of the 'school fund.' And the fact that this proposition was not adopted, has been urged as an evidence that the convention intended that the 34th section should embrace the school fund. I think differently, for the following, among other reasons: 1st. The act of 1849, already alluded to as a law appropriating the avails of slackwater navigation to common schools, *had not then been repealed;* and, as stated by Mr. Hardin, and admitted by Mr. Kavanaugh, the object of the resolution was to abrogate that enactment, and restore to the 'sinking fund,' *without any corresponding liability to the 'school fund,'* the tolls thus abstracted from it. The convention did not choose to do this, and therefore voted against that proposition. And this alone—the previous question preventing any amendment, having been ordered—was a sufficient reason for rejecting the entire resolution. 2d. The residue of the resolution, and which could not be voted on separately, was doubtless considered not only as a mere consequence of the first portion of it, but as a reiteration of the constructive effect of the 34th section, which had been adopted; and, therefore, had a vote been taken on that portion alone, this reason would have induced the rejection of it. And this inference is strengthened, rather than weakened, by the speech of Mr. Lisle, who was the only member who made a speech against this resolution, and who said, "by the adoption of the section we will virtually repeal "an act passed by the last legislature. [The said act of February, 1849.] The "legislature should have the power of applying the income arising from these "roads and rivers, to the payment of the interest on that [the school] fund. The "section was designed to prohibit *any portion* of the income of the sinking fund "to the payment of the interest on the school fund;" which might mean that portion which the act of February, 1849, if unrepealed, would take from the 'sinking' and apply to the 'school fund.'

Nor does the fact that Governor Crittenden paid out of the sinking fund the interest due on the 1st of July, 1850, on the school fund, show that, in his opinion, the 34th section embraced that interest as a portion of the 'state debt,' for which it set apart the profits of the former fund. An act of March, 1850, had repealed that of February, 1849, and charged the interest of the school fund on the sinking fund. That act was constitutional, because the new constitution had not then been adopted; and, under the authority of the act, which *was* law until the adoption of the constitution, Governor Crittenden considered it his duty to pay the interest out of such of the proceeds of the sinking fund as had accrued to the use of the school fund, by the operation of the act while it was the law of the land—believing, as we may presume, that the constitution did not retro-act on that fund to the extent of such a vested right to money, not only appropriated to, but collected for it. While it should be conceded that no extrinsic considerations can control the construction of the constitution, on its own face, I must be allowed, respectfully, to repeat that the debates, carefully analyzed and properly considered, strengthen the interpretation I have given to the 11th article, and 34th section of the 2d

article; the first of which, as I believe, applying to and making provision for the 'school fund,' and the last excluding it from any participation in the profits of the 'sinking fund,' until the state debt shall have been fully and honorably discharged. Many other facts appearing in the reported debates of the convention might be referred to as conducing to the same conclusion; but the occasion will not allow a more minute or analytical reference to that comparatively irrelevant source of construction, or mere amplification on so much as has been quoted, and which exhibits, in my opinion, the strongest arguments, both for and against my construction, afforded by the book of debates.

The fact that the legislature passed the act of the 1st March, 1850, while the constitution was before the people for their ratification, and that the convention, in its final action, in June, 1850, neither took any notice of that enactment nor made any change in the destination of the sinking fund, as fixed by the 34th section of the constitution, and as voted on and approved by the majority, does not imply that the members of the convention considered the sinking fund liable for the interest of the school fund; because they would not notice that more than any other statute, nor would have presumed to make a radical change in the application of the sinking fund, as approved and settled by the popular vote of their sovereign constituency. But that statute not only concedes priority to the interest on 'the debt' due at fixed periods, and unconstitutionally directs the commissioners, after paying the periodical interest on that debt, to pay, as far as the means remain, the interest of the school fund, but *constitutionally* requires *the treasurer of the state* to pay whatever portion of interest demanded by the board of education the sinking fund shall have failed to pay. And here—as required by the constitution—we have a 'provision by law,' made by the 'legislature,' 'for the payment of the interest of the school fund.' Under this provision of law, it will be the duty of the treasurer to honor the authorized drafts of the superintendent, even though by doing so he may exhaust the treasury, and not save a dollar for paying either your excellency, the judges, or the members of the legislature. And knowing, as I do, the vigilance, fidelity, and great ability of the superintendent, who, by his devotion to universal enlightenment, has secured to his name present and posthumous renown—I presume that he has already drawn from the treasury as much of the last January installment of interest as the treasurer had the means of paying. If so, some further 'provision by law' may become necessary for some other element of the civil list, and which the legislature will know best how to make. And this corresponds with my construction of the policy and purpose of the convention. *By bringing the common schools into immediate and continual contact with the pockets of the tax-payers, the people will be stimulated to be more watchful of the administration, and more inclined to correct defects and prevent abuses of the system, and improve and perfect it, until it shall become adapted to its only true design—the education of the poor by the contributions of the rich, to be made, not for distribution as sometimes now, to lie idle in some counties, or for educating the children in other counties, of persons as rich as the contributors—but for the only economical, practicable, just, and beneficent object of securing education to such poor children of the commonwealth as could not otherwise obtain its blessings.* It is the civic, as well as personal duty, of every citizen to educate his own children; and the commonwealth should require every citizen having the means, to fulfil that sacred and paramount trust. It is also the interest, as well as the duty, of the rich, to provide for the education of the poor; but it is neither the interest nor the duty of the poor to contribute to the education of the rich. Nor is it the interest of one county—as Fayette—to contribute thousands of dollars, either to lie idle in some other counties, or to be applied there to the education of the children of other persons, as able as the people of Fayette to educate their own children, with their own means. Any system which requires one rich man to educate another rich man's child, or which taxes the poor to educate the rich, must, sooner or later, fail as an

abortion, or a humbug, which is even worse. *But no system, so organized as to tax the rich so far, and only so far, as may be necessary for securing to all the poor an elementary education in primary schools, and to the elite of them a finish in a central university, will ever be unpopular, or will ever fail in any republic where the people are virtuous and intelligent, or destined long to be free.* Such an institution, properly managed, will be a nursery of national power, liberty, and true glory. It was such an institution that the committee on education, of which I was chairman, in the year 1822, commended to the people of Kentucky, by a report which, by order of the legislature, was distributed throughout the commonwealth, to awaken popular attention and favor—it was for such an institution that I have, ever since, continued to plead and to hope—and it was for such, and only such, that the late convention consecrated the 'school fund,' and commanded the legislature to provide for the payment of its interest. And, in my opinion, it was to *assure* radical improvement in the present imperfect system of common schools, and finally, a more just and enduring system for educating the poor, as well as to *secure* the prompt payment of the state debt, that the convention pledged the 'sinking fund' to the latter object, and left the other to be regulated and provided for *by the people*, through their representatives. By this construction, every provision in the 34th section and in the 11th article of the constitution will not only harmonize, but have a consistent effect. And, in my poor judgment, this construction harmonizes most with the credit, interest, and honor of the state, and also with the better destiny of the struggling and yet unsettled cause of popular education in Kentucky.

Thus sir, having, as you requested, given you my opinion, I cheerfully, and without fear of consequences, submit it, with some of the reasons for it, to your official consideration. If you concur, you cannot, conscientiously, give your official sanction to a late resolution of the legislative department, directing the commissioners of the sinking fund to comply with the act of March 1st, 1850; because, the people in convention were superior to their representatives in the legislature; and because, therefore, when an act of assembly conflicts with the constitution, the act is void, and the constitution is, in that case, the law, *and the only law.* Nor could you, as a faithful sentinel of the 'sinking fund,' and guardian of the credit and treasure of the state, direct any portion of the profits of that deposit to the payment of interest on the 'school fund.' As a commissioner of that fund, you are required, and should be expected, to take care and dispose of it according *to law.* And nothing inconsistent with the constitution can be law, or authorize you to violate the supreme and only law. A legislative act, if unconstitutional and void, can give you, in this case, no more authority or excuse than a bill of attainder or *ex post facto act* would authorize you to hang a citizen, or could, if you should hang him, exonerate you from the guilt of murder.

It is my wish, as well as my expectation, that, in all your official acts relating to this subject, as well as all others, you will do what you honestly believe to be your duty to the common welfare of your constituents, and to the constitution of your country, which you are sworn to support, as the supreme law of the land.

Yours, respectfully, GEORGE ROBERTSON.

To GOVERNOR HELM, Frankfort, Kentucky.

Opinion of Judge EWING:

I have been in bad health during the winter, and am now sick; but being requested to express my opinion as to the proper construction of the two clauses of the new constitution, in relation to the sinking and school funds, or whether the former fund is chargeable with the interest and principal—or either—of the latter, for

the information of the commissioners of the sinking fund, I feel it my duty to do so.

In my present state of health, I must content myself in stating my opinion, with a few brief suggestions as the grounds of that opinion.

The 34th section of the 2d article provides that "the general assembly shall have no power to pass laws to diminish the resources of the sinking fund, as now established by law, but *may pass laws to increase it;* and the whole resources of the said fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the *state debt, and to no other use or purpose,* until the whole debt of the state is *fully paid* and satisfied."

Article 11, 1st section, after enumerating and consecrating to common school purposes, certain funds as a principal or basis, provides that "the general assembly *shall make provision, by law, for the payment of the interest of said school fund.*"

The sinking fund was established in 1836—(3d statute laws, 292.) It was established for the exclusivive purpose "of carrying on a system of *internal improvement in the state;* and providing for the punctual payment of the interest on money borrowed *for that object,* and the final redemption of the loans." After vesting in commissioners certain enumerated funds, they are charged with the payment of the interest on bonds sold, or to be sold, *for works of internal improvement.* For the purpose of sustaining the common school system, the legislature has occasionally called on the sinking fund for advancements of some several sums, at remote periods. But these calls have been made, it is believed, always under special acts of the legislature. To prevent this recurrence, and to direct the sinking fund to the objects of its original creation, the convention determined to separate the two subjects; and to consecrate its accumulating profits beyond legislative control, to the payment of the annual interest, and the ultimate *sinking* of the principal of debts, contracted for internal improvement.

Hence, they committed the two funds, and the constitutional provision in relation to each, to two distinct committees; and finally, after receiving both reports, they devoted the sinking fund to the exclusive objects of paying the interest, and sinking, by the surplus, our state debt, and requiring the legislature "to make provision, by law, for the payment of the interest on the school fund, for the benefit of common schools."

That the convention looked to the ultimate payment of the *principal* of the state debt proper, as well as the interest, is perfectly obvious, from their discussion, offered amendments, and final action, on the subject of the sinking fund; and not a word was said, or reference made to the school fund, as a draft in interest or principal on the sinking fund. And if the interest only on the school fund was made a draft on the sinking fund, there would be no accumulation of profits, out of which the principal of the state debt proper could ever be paid, and the state would be left bankrupt before pay day arrived. Indeed, it is quite obvious, that in a very few years the sinking fund would be left bare of the means to pay the interest.

The debts owing to second persons as obligees, has been for years called, known, and designated by all our public functionaries, as our only *state debt;* while the sum set apart for school purposes, has always been called our *school fund*—and not a *state debt.* When our convention makes provision for the payment of the *state debt,* and makes no mention of the payment of the *school fund,* must not their language be necessarily understood, and restricted to the payment of that demand which had always been called and designated as our *only state debt?* And how can their language be construed or tortured into the payment of interest or principal of the school fund, when they have used or ingrafted no language in the 34th section, enjoining on the sinking fund the payment. But, on the contrary, sacredly set apart the whole resources of the sinking fund to the payment of the *state debt, and to no other use or purpose.*

Our state debt to second persons secured by the bonds of the state, the legislature had no right to abolish, cancel, or impair, without violating the constitution of the United States and state, which inhibit the impairment of the *obligation of contracts*. But they might, at any time before the adoption of the new constitution, have abolished the common school system, and dissolved the board of education, without an infraction of either constitution; and, in that event, the funds could have reverted to the state, for any other state use to which they might have been applied. While the first was appropriately called our *state debt*, the latter was called a *school fund*, which was subject to the control of the legislature, as a bounty due from the state to the state; and placed in the hands of the board of education as naked fiduciaries, for the use of the state, in the education, for the time being, of the children of the state.

It never has been contemplated that the principal of the school fund should be paid off; nor was it contemplated by the constitution, as is obvious from the language they use in article 11, first section. They set apart the principal as a sacred fund for the use of common schools, and enjoin the legislature "to make provision, by law, for the payment of the interest" on the same.

The language used by the convention, in the section on the sinking fund, is applicable alone to the *state debt* proper, whose principal falls due at a stated time, and must be paid off; and is wholly inapplicable to the *school fund*, whose principal is never to be paid off or sunk, but to remain as a perpetual fund, whose profits only are to be applied to aid in the support of common schools. If the sinking fund clause is to be extended and made to embrace the payment of the school fund, as a state debt, it produces an irreconcilable confliction between the two clauses, as the common school clause only provides for the payment *of the interest*, and even that is not directed to be paid by the sinking fund, but to be provided for by law.

Again, if the school fund was embraced by the sinking fund clause, as a *state debt*, no legislation is necessary on the subject, as the commissioners, by the injunction of the clause, would be bound to pay the interest, &c.; and if that fund is not embraced as a *state debt*, designated as such in the sinking fund clause, no legislation would authorize the payment, as it would be an infraction of the constitution.

The 11th article, after consecrating the principles to common school purposes, provides "that the legislature *shall make provision, by law,* for the payment of the interest of said school fund."

It may be remarked on this clause, that the words, "*make provision,*" imports more than a direction or order for the distribution of the interest of the school fund. Such direction could not be practically made, without first raising the funds by taxation or otherwise, to distribute. The words, "*make provision,*" naturally imply that the *ways and means* shall be first raised, and then the distribution be made. To *make provision* is to *create* the means, and not to snatch them from a fund consecrated to another object by constitutional sanction.

Had the convention ever intended that the interest should be drawn from the sinking fund, they surely could, and would have used language more clearly expressive of their intention, and more consistent with the language used before in the sinking fund clause. What more was necessary for them, than, instead of the language used, to have directed that the school fund should be paid by the sinking fund?

Another remark may be made upon this clause. It is *imperative* on the legislature to make provision, by law, for the payment of the interest on the school fund. They *shall*, &c. It is only discretionary with them to increase the resources of the sinking fund. They *may*, &c.

In the first case, the representatives may cast the responsibility of taxation on the convention, and escape from it themselves. In the other case, the responsibility rests on the representatives, and a majority of them may postpone the evil

day from time to time, to escape from the responsibility of increasing the taxes, until it is too late.

Besides, taxation for common school education, is much more popular than for the payment of our debts, contracted for internal improvements, as the fructifying and beneficial influence of the one is experienced and felt in every hamlet throughout the entire state, while that of the other is felt or experienced by a very few, and a large portion of the tax payers of the state are left destitute of their benefits. Moreover, taxation for school purposes is much less oppressive to the people, as it is paid out only for a short time, to be returned and distributed amongst them, perhaps more bountifully than they paid.

These considerations may have, and most likely did influence the convention in consecrating the resources of the sinking fund to the payment of our *state debt*—interest and principal—believing as they did, that the growing surpluses would accomplish the end by the time the debts fell due; and enjoining it upon the legislature to make *provision, by law*, for the payment of the interest on the school fund.

I am asked, what will be the consequence to the commissioners of the sinking fund, in case they pay the interest or principal of the school fund? If I am right in the interpretation, which I have given to the two clauses of the constitution, it may be perilous. The commissioners are fiducaries—quasi trustees—having funds placed in their hands by the debtor, consecrated by constitutional sanction, to be managed, used, and applied, *in trust*, for a designated class of creditors, in the payment of her debts, interest and principal. Those creditors are interested in the fund set apart to their use, and may hold the fiduciaries to a faithful application of them. If the commissioners waste those funds, or apply them to other purposes than those designated by the constitution, can it be doubted that they might be held responsible, personally, by the creditors, in a court of equity, for a breach of trust? They certainly are bound to regard the supreme law, and to disregard any enactment which conflicts with it, as a nullity.

But, were the question a doubtful one, could the commissioners act with safety to themselves, in making payment of the school interest, without first demanding a judicial decision of the question by the highest tribunal? This is a matter for the exercise of their own discretion. It is to be hoped, there being no delays interposed on either side, that the question could be so speedily settled, even by the court of appeals, as to present no serious obstacles to the successful progress of the common school system.

E. M. EWING.

Opinion of R. WICKLIFFE, ESQ.:

DEAR SIR: Your excellency's letter, of yesterday, was delivered to me in Frankfort, just as I was leaving for home, but I take the earliest moment of leisure I have to respond to it. You request my opinion upon, or, construction of the power of the legislature, to pass any act or acts, by which the commissioners of the sinking fund are bound to apply, or pay over the funds under their control, to any use or purpose, other than the payment of the principal and interest of the state debt, until the said debt, with the interest is paid off: in *other words*, to force the payment of the liabilities of the state, in all cases; and more especially, to defray the expenses and charges of the commissioners of the education fund. Under the old constitution, as well as the constitution of the *United States*, the legislature is expressly forbid to pass laws impairing contracts—of course, to pass laws impairing contracts of the state. I have not a bond of the state, for the payment of which the sinking fund was in part established, before me; but on the face, I think, of every such bond issued, the sources to pay are enumerated, and

a pledge and obligation given, that they shall stand bound, and be faithfully applied to the payment of the interest and *principal* of such bond, until the same is paid off. To such bond is annexed the seal of the state, and the name of the executive affixed; so that, without the prohibition of the new constitution, I should pronounce against the power of the legislature to divert the pledged funds on the face of these bonds. When the convention met, it found the debt for which such bonds were executed, amounted to the enormous sum of four millions of dollars; and that the treasury was burdened with other liabilities to a very large amount, that would call for taxation to save the credit of the state. To avoid the castrophe of a violation of public faith, and to compel the legislature to preserve the honor of her people, in the second article of the constitution, they expressly say: "*the general assembly shall have no power to pass laws to diminish the resources of the sinking fund, as now established by law; until* the *debt* of the state be paid, and the *whole resources of said fund shall be sacredly* set apart and applied to the payment of principal and interest of the state debt; and to *no other use or purpose whatever, until the whole debt of the state is fully satisfied.*" Could language be more plain—more forcible or applicable to form a negation of every act or power in the legislature, and its agents to divert the resources of the sinking fund to other and different objects and uses than those designated? Were I the executive, or a member of the legislature, or a commissioner of the sinking fund, I should consider myself sworn, and *sacredly bound*, to not divert a dollar of the fund to the payment of any other debt or liability of the state, than the funded debt of the state; nor could I find a salvo to my conscience if I did so divert the resources of the sinking fund. In the 1st section of the 11th article of the constitution, so far from that section contradicting, or even abridging the force of the 34th section, 2d article, it sustains and enforces its prohibitions. After enumerating what constitutes the school fund, it provides that the legislature shall make provision, by law, to pay the *interest*. By what kind of a law are they to make provision for paying the *interest?* (not the principal.) Certainly not by an act the legislature cannot pass; not by an act contravening the constitution; but by taxation, or by the creation of new stocks by loans, or by other lawful ways, or so they do not contravene the constitution. It is wonderful that it did not occur to the legislature, that if the 34th section of the 1st article embraced the liability of the state to the education fund, under the word debt, that the provisions they rely on in the 1st section of the 11th article, was not only unnecessary, but proves the convention to be guilty of the consummate folly of providing for the school expenses twice, and that by two separate and distinct articles of the constitution. But very different is the fact. The convention knew that the liabilities of the legislature to pay the executive and judicial departments their salaries, and to others their demands, as well to the education fund, were not touched by the 34th section of the 2d article. They knew that the legislature would take care of themselves, and all the other departments and liabilities otherwise, but feared the common schools might, in course of time, be abandoned, and imperatively enjoined it on the legislature, to provide, *by law*, for the payment of the interest of the education fund, (not principal and interest.)

I have thus, sir, thrown together the thoughts of a feeble old man; who, in early life, lent his little influence to defend the weaker department of government against the encroachment of the stronger department, upon a much more doubtful constitutional point than is involved, (in his opinion,) in the unhappy controversy now existing between the legislative and the executive departments. Looking to the consequences that then resulted to my country, from the stronger trampling upon the weaker, I can but hope that a more calm consideration will induce the legislature to pause and duly consider the dreadful effects that may follow. If they now push these measures to extremes, if the record and the executive of the state can be relied on, the resources of the sinking fund cannot sustain the expen-

ses of the common schools, and pay interest on the public debt; and can it be possible that the legislature will again require the officers of the other departments to violate their oaths, and ruin public credit, on pain of removal from office. If they do, that trust I have ever had in the great people, I hope, will not now fail; but that they will, as heretofore, manifest to their sister states, and to the world, that their constitution has not been violated with their approbation—that they now, as ever, consider no law violating their faith or contracts, binding—and that they will ever maintain their constitution, and that of the United States, inviolate.

With very great respect,

I am your excellency's ob't. serv't.

R. WICKLIFFE.

Opinion of ELIJAH HISE, ESQ.:

RUSSELLVILLE, February 12, 1851.

TO HIS EXCELLENCY, JOHN L. HELM:

Your letter, dated February 2, 1851, is now before me, and must have been written before you had received my answer to your former communication. You request me to express my opinions upon certain questions presented, in order that they may be made known to the commissioners of the sinking fund.

The school fund is stated in the new constitution to amount to the aggregate sum of $1,350,491 71. This fund, before the adoption of the 1st section of the 11th article of the new constitution, might, and could have been altered, changed, refunded, or entirely abolished at the discretion of the legislature; because, our system of public instruction was adopted, and its means of support was provided, as mere matter of public policy, and of course was subject to be altered, improved, or abandoned, at the pleasure of the state; and because, again, the said fund was not, and could not, be regarded as a contract or debt, the non-fulfillment or non-payment of which would have involved the government in the guilt and turpitude of a dishonorable breach of faith, and a violation of her solemn obligations to individuals.

To constitute a contract to be inviolable, there must be both contractor and a contractee—to constitute a public debt, such as, if it be not paid, the state would be guilty of an inexcusable breach of good faith, there must be a debtor and debtee, a payor and payee. No right-minded man, it seems to me, can contend, with any show of reason, that the school fund constitutes such contract or debt; hence this fund is not referred to or embraced within the provisions of the 34th section of the 2d article of the constitution; and, as that section positively commands that the whole of the sinking fund, as then existing, and as it may be thereafter increased, by adding new resources thereto, shall never be applied to any other use or purpose than the payment of the interest and principal of the state debts, until they shall be first paid and fully satisfied, it follows as a self-evident and obvious deduction, that no part of the said sinking fund can be used or applied to the payment of interest on the school fund, without an open violation of a plain provision of the constitution. A public *debt* and a public *fund* created by the state for *public purposes*—such as the support of public instruction, public improvements, or of eleemosynary institutions—are two things as different and as distinct in their meaning and nature from each other as the note of A., given upon a good legal consideration, to pay to B. $1000, is different from a mere promise of A., uttered in a public address, that he intended to be a charitable man, and to spend $1000 per annum out of his estate, for charitable purposes, or to further the objects of the colonization society, or of any other association, public or secret. The one is a positive, legal obligation, which he has no right or power to

violate—the other is a mere voluntary promise to himself, to regulate his moral conduct in conformity with his *then existing views* of what is his duty, or of what, at the time, it is good policy to support, which he has a perfect right to withdraw, and his non-fulfillment of which gives no one a legal ground of complaint, and is no person's business but his own. Therefore, I say again, the words "*state debt*," or the "*debt of the state*," as used in the said 34th section of the 2d article of the constitution, does not and cannot mean school fund; and as further and most conclusive proof of this, the convention—because in this and the other preceding articles of their work they had not, as yet, made any provision, adequate or otherwise, in regard to the school fund and its interest—adopt and enact the said 11th article, by which they expressly and in so many words command the general assembly—*not merely to let alone* any thing that had been done—not that they should fail to *violate or disturb* what had been previously enacted, either by the legislature or convention—not that they should not misapply the interest on said school fund as though it had been already provided for—but to do something in future—something real and substantive. That is, they are commanded, thereafter, to make provision "by law (to be afterwards enacted by that body) for the payment of the interest on said school fund." In other words, the general assembly are not *merely prohibited* from disturbing any arrangement on this subject, as though the convention had already adopted any—they are not prohibited merely from misapplying the means to pay the interest on the school fund, as though it had been previously provided for by the convention itself—but the legislature is expressly commanded thereafter, by law of its own enactment, to provide the means to pay that interest, and for the obvious reason that the convention had not otherwise made provision for this interest; and had they not commanded the legislature to make such provision, it would have been needless to make the school fund itself inviolate: for as much as $1,225,768 42 of said fund is in fact nothing but a legal, and now a constitutional recognition of that amount as constituting a part thereof, and as to this amount of said fund the interest is every thing and the fund itself a thing merely of legal creation, without the actual payment or investment of a dollar in money. It cannot be denied that the said 34th section of the 2d article of the constitution contemplates, or rather directs, the entire payment of the *whole* of the principal of the debt therein mentioned, as well as the prompt payment of the half-yearly interest thereon as it becomes due, and that the *whole* of the sinking fund, with its present resources, and such others as may be hereafter added thereto by subsequent legislation, or by *surpluses* over $5,000 that may be realized by *retrenchment* of government expenditures, is *directed, imperatively*, to be applied to such, and to no other purpose whatever, until such design is fully accomplished; and, further, until the whole of the state debt named, and all accruing interest thereon is fully paid, the said sinking fund may be increased, but can never be diminished in its resources, or abolished. Then it follows, upon the erroneous view of the constitution, as entertained by the legislature, that the school fund must be extinguished and wholly paid off, as though it were a debt, (when it is no such thing,) or otherwise the sinking fund, with all its present and future resources, can never be diminished or abolished, as circumstances and good policy might require; but the same, together with all the taxation, direct and indirect, from which its means are derived, would necessarily have to be forever continued, though it would become, after the payment of the state debt due to individuals, not only an oppressive but an unnecessary burthen on the people. This would be the disastrous result of a false construction of the constitution on this subject. The sinking fund would thus have to be continued as long as time lasts, or as long as the government shall endure, because the school fund can never be *paid—paid* is the word, as used in said 34th section—*pay* the school fund! How *pay* it? Can you tell? No. *Pay* a public *fund* of legal creation, due to no person or body corporate, created for *public purposes*, as matter of public policy!

The idea of such payment is a fiction of the brain. To whom *pay* it? who has a right to complain of a breach of faith, or of any *obligation* or *contract*, if it is not paid? No person whatever. Such a fund may be *increased*, or *reduced*, *weakened*, *impaired*, or *abolished* by the government, (were it not prohibited from so doing,) as its views may change with respect to what may or may not be sound public policy upon such subject; but it cannot be *paid*, because there is nothing to be paid—there is no medium of payment, and there is no person to whom payment can be made. But again: the constitution prohibits (I will not say the payment of this fund, for that idea is ridiculous) any interference with said fund whatever, except it authorizes investments to be made of additions thereto. After a specific statement of the amount and character of said school fund, the 1st section of the 11th article of the constitution provides that it "shall be held inviolate (that is, unhurt, uninjured, unbroken—see Webster) for the purpose of sustaining a system of common schools." The interest of said fund, its dividends or profits, and such other sums as may be produced by taxation for the purpose, must be applied to bear the expense of our system of education, and to no other purpose; but the fund itself shall be held *inviolate*—shall remain uninjured and unbroken. Of course the constitution prohibits the *payment*, *touching*, or *breaking* of this fund; for to pay it—were such a thing possible—would be to destroy it; for a payment of a debt discharges, extinguishes, wipes out, and destroys the debt itself—it cancels and makes null and void, and of no effect, the contract or obligation of indebtedness. So, to *pay* a debt, or a public fund, such as the school fund—were not such an idea an absurdity in itself—would extinguish both, and leave neither debt or fund remaining in existence; and consequently, the *payment* of the school fund would extinguish it, break it, and not only injure it, but utterly destroy it, though the constitution says, in so many words, that this shall not be done. Hence it follows that the words *state debt*, or *debt of the state*, as used in the said 34th section of 2d article of the constitution, and which is therein required to be paid, has reference alone to those debts or bonds held by persons or chartered associations, and not at all to the school fund.

The constitution made the school fund that then existed, in its then *precise shape* and *character*, with such additions to it as might be subsequently made, *inviolate*, and not subject to be injured or broken. Now, suppose that part of the school fund, to-wit: $1,225,768 42—which is not an investment of actual capital in stocks of any sort, but which is spoken or enacted into existence by legal and constitutional provisions, as a perpetual and inviolable fund—I say, suppose this said part of said fund should be abolished and extinguished by an act of the legislature, which act should at the same time provide the ways and means to purchase an equal amount of bank stock, or of the bonds of other states or governments, and that such purchase should be actually made—such an arrangement would be wholly unauthorized by, and a gross violation of, the constitution. For this would not be holding the existing fund inviolate, but would be destroying it, and creating a new and different fund, much less stable, certain, and secure than the above named portion of the existing fund; because, our people would have to depend—for the safety of the capital, and for the prompt payment of the interest of such new created fund—upon the good faith and sound financial condition of other governments, over which they would have no such control as they have over their own, or upon the solvency and integrity of irresponsible chartered associations, whose existences are liable to be determ ned by violations or terminations of their charters; by bankruptcy, and by the fraudulent conduct or gross mismanagement of either dishonest or unskillful officers.

It is a universal rule of interpretation of constitutions, laws, or written documents, that where an ambiguity exists, so as to produce doubt as to the meaning of one or more clauses therein, they should receive such construction as to produce harmony, consistency, and avoid contradiction between its several parts.

Now, the legislative construction of the sections of the new constitution referred to, disregards and violates this rule; so that the two sections above named cannot stand together, but contradict each other in two most important particulars, to-wit: If the words "state debt," or "debt of the state," includes in the scope of their signification the "school fund," then the one section directs, in substance, that it shall be *abolished*—for, to pay a debt is to extinguish, to *abolish* it; and the other section positively directs that said school fund shall not be abolished or extinguished; in other words, shall not be paid, but that it shall be held forever inviolate. This is one contradiction. The one section provides, by means of the sinking fund, to pay the interest on the school fund; the other subsequent section, positively directs and commands the legislature to provide by law—thereafter to be enacted, of course—for the payment of this interest on the school fund, as if the section preceding had not already made such provision—which is another most absurd contradiction. But again: this erroneous construction results in this further absurdity—that the constitution has made it impossible that the sinking fund should ever be diminished or discontinued, though the whole of the debts of the state should be paid, the school fund—if they will call it a debt—excepted; for I suppose that none have the hardihood to contend that the school fund can be abolished or extinguished by the legislature. If not, then if you concede that it is a debt, and embraced in the provisions of said 34th section of the said 2d article, then as the sinking fund would be charged with its interest forever, said sinking fund must, with all its burthens, exist and be supported by the people forever.

These absurdities and contradictions result from such erroneous construction of these sections of the constitution, and from an unauthorized departure from the imperative rule of interpretation above referred to. Another rule of interpretation is, that you must collect the meaning and intention of law-givers from the written law itself—from a reasonable and common-sense understanding of the language used in its enactment. It will not do to suffer the true, obvious, and reasonable import of the words and phraseology used, to yield and give way to the verbal declarations of the law-givers, whether uttered before or after the enactment of the law; for this would make the constitution—which is the fundamental law of a great community, and which is intended to be a written stereotyped, stable, and unchangeable document—depend for its meaning, and for a correct understanding and due execution of provisions, upon the very imperfect judgments, frail memories, and corruptible integrity of men who would differ among themselves in understanding as in recollection, and who might be induced, by a variety of motives, to attempt to pervert and alter what had been done, to suit their own or party purposes. Hence, what gentlemen, members of the convention, may now profess was their understanding, meaning, and intention, in the adoption of the said two sections of the constitution, amounts to nothing, if not consistent with the plain letter and spirit of those sections, as framed and inserted in the instrument. It cannot now be helped, if, through ignorance or mistake, they have done what they did not intend to do. The thing done is now the supreme law of the land, ratified and adopted by the people, as it *was* made, and with its provisions as they are written and composed, and not as it may or may not have been intended to mean this, that, or the other thing, by this, that, or the other member of the convention.

The legislature, of course, cannot enact a law violative of the constitution; if they do, such law is a mere nullity, and the commissioners of the sinking fund would not be bound by it.

You ask my opinion as to whether the said commissioners would be personally liable to the creditors of the state, if they should obey a legislative direction, in violation of the constitution, to pay the interest on the school fund out of the sinking fund resources? In answer, I willsay this: that it is a well known rule of the common and civil law, sustained by, I believe, the supreme courts of all the

states of this Union, of the United States, and of England, that executors, administrators, and other trustees of every description, who accept the trusts with which they are invested, either by operation of law, or by deed or last will and testament, who are charged with means, assets, or trust funds, to be administered by them as directed by law or by the instruments of their appointment, are held personally responsible, and their individual estates liable for any abuse of their trust powers, for any wasting or unauthorized, improper, or illegal appropriation of the trust means or funds in their hands; and as such trustees, accepting such trusts, are bound to know their duties, the extent of their powers, and their legal rights and obligations. This responsibility would attach to them and their estates, whether the abuse of their trust and the misapplication of the trust funds, as above stated, resulted from their ignorance and mistake, or from design, and with fraudulent intent. Then, if so, the commissioners of the sinking fund, who, as a chartered, corporate body, can sue and be sued, if they pay any part of the sinking fund to meet the interest on the school fund, in violation of the constitution of the state—I care not by what or whose direction, as it would be an abuse of their powers as trustees, and an illegal application of the trust funds in their hands—they would bring themselves within the principle of the rule of law above stated, and would become responsible personally, and their estates would be held liable to the public creditors for all injury which might accrue to them; and, as I understand the said commissioners entertain no doubt as to their powers and duties, as prescribed in the new constitution, which is to apply the entire sinking fund to the payment of the interest and principal of the state debt held by the public creditors, who have a right to demand and to receive such payment, they would not have the excuse of mistake or ignorance—feeble as it is—to screen them, either from legal responsibility or public indignation. Such is the law, in my *opinion*, if correctly administered; but law is one thing, and its administrative application, through the instrumentality of courts, is another. What the courts may do in the event the question was brought up in the form of a legal proceeding between a public creditor and the aforesaid commissioners, in order to make them personally liable, and the said commissioners should rely upon a legislative direction as their excuse—I say, what the courts would do it is impossible for me, with any certainty, to predict.

According to the 34th section of the 2d article of the constitution, the legislature is authorized to abolish the sinking fund, after the state debt therein named, with its interest, is all paid; for the constitutional prohibition to diminish or to discontinue said fund extends or endures only "*until*" said interest and principal of the said debt is fully paid, and *then* it becomes wholly inoperative. Well then, if the sum of $1,225,768 42—it being nearly the whole amount of said school fund—is a part of said state debt, and to be paid; as is provided in said section when it is paid, the legislature, as before stated, will then be at liberty to abolish the whole sinking fund; and consequently, as it is insisted that the interest of the school fund, or in other words, that the means to support our system of public instruction are charged upon said sinking fund, our common school system might be altogether deprived of the means to maintain and support it, at the discretion of the legislature. Who can avoid perceiving that such erroneous construction of said 34th section would make it wholly inconsistent with the 1st section of the 11th article, in which the school fund is made inviolate and the legislature commanded to make an independent and permanent provision, by law, for the payment of the interest thereon.

With due respect and consideration, I remain, your friend and servant,

ELIJAH HISE.

Opinion of W. K. WALL, ESQ.:

GOVERNOR HELM.—DEAR SIR: From a hasty perusal of your special message to the general assembly, and of the response or argument of the superintendent of public instruction, invoked by the senate, called his special report, I find you engaged in a controversy, from which, if you escape with whole bones, even with the advantage of truth on your side, you may be regarded as peculiarly fortunate. At this day, when the subject of common schools has become the favorite theme of all, and especially of politicians and aspirants for office, and when there are *ten thousand and one* candidates in the field—he must be a bold man who, even in the discharge of his public duties, can venture an opinion, however honestly entertained, which can by any means be tortured into any thing like opposition or hostility to that popular system. Into this hostile and odious position you are, I fear, destined to be thrown in this contest—held up before an excited public as the chief magistrate of a great commonwealth, setting yourself zealously to prove certain facts, and engaged in propagating sentiments and opinions which, if indorsed by the general assembly, must result in the destruction of the great cause of common school education in Kentucky.

Standing in the category of contemptuous enemies of free schools, those who have often betrayed this great cause which has so long baffled the hopes of the people, and who are now threatening it with ruin at the very moment of its first great triumph, your friends, although they know you to be the fast friend of common school education, and have seen nothing in your message to justify a different conclusion, can scarcely hope, with such fearful odds against you, that you will be able to vindicate yourself against the imputation of unmitigated hostility to that institution—at least until after the elections are over. Claiming for myself an entire exemption from all popular influence, having no political aspirations to gratify, and, like the honorable superintendent, "expecting nothing, and fearing nothing," I therefore feel at liberty to declare, and do so in all candor—with due deference, however, to the opinions of otherst—hat your views, as expressed in your special message in relation to the question at issue, are correct, and can be sustained. In coming to this conclusion, I have found it necessary to look to the origin and history of this common school fund, which, with its interest, is claimed to be a part of the state debt, and, as such, a charge upon the sinking fund. On the fourth page of the superintendent's report, he says: "By an act, approved the 23d of February, 1837, chapter 452, section 9, $1,000,000, afterwards reduced to $850,000, of the surplus revenue deposited with the state by the federal government, was set apart, and forever dedicated to founding and sustaining a general system of public instruction," &c., and on the fourteenth page of his report, he says: "The state gave the money to the board, the nation had before given it to the state," &c. Now, sir, if I am capable of understanding the plain import of language, the statutes relied on do not warrant the statement that any such dedication was ever made by the state to the board of education. The 9th section of the statute of 1837, quoted, or rather misquoted, (unintentionally, no doubt,) by the superintendent, reads in these words: "The profits arising from $1,000,000 of the surplus revenue of the United States, deposited, or to be deposited with this state by virtue of the act of congress, of the 11th of June, 1836, be and dis hereby set apart, and forever dedicated," &c., and by the act to establish a system of common schools, approved the 16th day of February, 1838, it is provided, "that the interest upon $850,000 of the fund set apart by the commissioners of the sinking fund, under the provisions of an act approved the 23d of February, 1837, and all moneys and other property hereinafter provided for, or which may hereafter be appropriated to the use of common schools, shall be and the same is hereby constituted a common school fund for the state of Kentucky." So that neither the

$1,000,000 named in the first recited act, or the $850,000 in the second, was set apart and dedicated to founding and sustaining a general system of public instruction. It was the *pxofit or interest* alone, arising upon this fund, and not the fund itself, that was set apart and dedicated to common school purposes. A very different disposition was made of the surplus revenue fund, as may be seen by reference to the third section of the aforesaid act of 1837. By the first and second sections of that act, authority is given to the governor to subscribe, on behalf of the state, for stocks in the Bank of Louisville, and in the Northern Bank, and Bank of Kentucky, and to pay for them with the surplus revenue of the United States to be deposited with this state. The third section is in these words: "That the stocks paid for with the surplus money, as provided in the preceding sections, shall be, and are hereby set apart and pledged as a fund for the re-payment to the treasury of the United States the surplus revenue which shall be deposited with this state." Thus we see that both principal and interest of this surplus revenue fund have been disposed of by the same statute: the one set apart and pledged for the re-payment of the original deposit to the treasury of the United States; the other set apart and dedicated as a common school fund.

With these statutes before me, I cannot perceive even a plausible pretext on the part of the board of education for claiming the $850,000 as a debt due to it from the state, or any thing beyond the interest which has accrued upon that fund. If that fund constitutes a debt against the state, it is a debt to the general government, and not to the board of education. That it is a debt to the general government, none, I presume, will deny, who will be at the trouble to read the act of congress of the 11th June, 1836, called the deposit act. If, then, it be also a debt to the board, as is contended, we have the singular fact before us, that the state owes the identical same fund to two distinct creditors at the same time. Yet, on this unfounded assumption of the ownership of that fund by the board of education, seems to be based most of the arguments running through the special report. On the 15th page of that report, the question is asked: "Suppose the sinking fund had originally invested the $850,000 *of the board of education* in bank stock, instead of state bonds. If the state had taken that bank stock and used it without at the same time giving the board of education its fair value in some way, would it not have been an act of open confiscation?" Certainly it would not; and simply for the reason that the bank stock thus used would not have been the property of the board of education—and all the board could have complained of, in such an event, would have been the withholding of the interest or profits of that stock, by the state, if so done, that being all that had ever been dedicated to the board, and all to which it could have set up any color of claim.

With regard to the bonds of the state given to the board of education, since the burning of those in 1845, (of which act so much groundless complaint has been made,) I agree with the superintendent, that the obligation thereby imposed upon the state to the board of education, has not been changed, but stands precisely as it did before the burning took place. On page 14 of his report, he says: "To every possible intent, legal and moral, these bonds must stand precisely as they did before they were burned * * * *." Every thing stands where it did. This being the case, then, every thing stands as it was left by the statutes of 1837 and 1838. The $850,000 vested in stocks or scrip, set apart and pledged to the general government; the interest or profits thereof set apart and dedicated to the use of common schools, I cannot, therefore, by any fair process of reasoning, bring my mind to the conclusion that this fund of $850,000, claimed as the principal of the debt due and owing by the state to the board of education, ever belonged to that board. The interest, therefore, which has accrued upon that fund, being all, in my opinion, to which the board can set up any pretence of claim. The only question to be settled is, was it intended by the framers of the constitution, that this interest should be a charge upon the sinking fund, and so continue until both *princi-*

al and interest should be paid off, according to the 34th section, 2d article of the constitution? or did they mean, what the 1st section of the 11th article declares, that "the general assembly *shall* make provision for paying the interest upon said school fund?" Upon what school fund? Certainly upon that named in the preceding part of the section—the first item of which comprises the $850,000 fund as part of the capital called and known as the common school fund, and upon which this interest must accrue—the payment of which they say *shall* be provided for by the general assembly. The payment of this interest, or provision for its payment, being made imperative upon the general assembly, how can it possibly devolve upon the sinking fund? In no way that I can conceive of, unless the provision to be made by the legislature for paying the interest only, means that they should provide that the commissioners of the sinking fund shall pay it—the very thing the convention itself had done by the constitution, if this be a state debt. To indulge such a supposition, would be doing manifest injustice to the convention. It is not reasonable to presume that the convention intended to make both principal and interest a debt chargeable upon the sinking fund, and then, in the face of that intention, make the payment of the interest to depend upon the provision to be made for it by the general assembly. But is this school fund really and in truth a debt? and if so, to whom due and owing? The idea that, if a debt, it is due from the state to herself, is perhaps more easily ridiculed than refuted. The existence of a debt implies the existence of a creditor as well as a debtor. That creditor is said, in this case, to be the board of education. And who or what is the board of education? Nothing more or less than the agent of the state, constituted by the state for the performance of the business of the state in the department of education, and dependent upon the state for every hour of its existence—subject itself, with all of its resources, to the control of the state, so far as its corporate functions and effects are concerned. Suppose the sinking fund had vested the $850,000 in bank stock, or in any other, and that stock had proved to be unproductive, will it be contended that, by dedicating that stock to common school purposes, and placing it in the hands of her own agent—her board of education—that the state thereby lost all control over that fund, and would be compelled to submit to her bad bargain? If this were to be the case, then the state had better dispense with all such auxiliaries, and perform her own business in her own way.

I have, sir, in a crude and undigested form, given you, to a limited extent, the result of my reflections, upon a hasty examination of the questions at issue, and trust that, upon a "sober second thought," much of the opposition with which you now have to contend, will subside and disappear.

Very respectfully, your obedient servant,

W. K. WALL.

I ask a consideration of the foregoing reasons and opinions, due to the importance of the questions involved. May I not especially call your attention to the legal opinion of eminent legal abilities, to the effect that the commissioners, or disbursing officers, are liable, if the funds shall be misapplied? I know there are none of you who would desire your public functionaries involved in so great a responsibility, especially those who have so long and so faithfully served the state, and contributed so much to the preservation of its honor, without compensation. May I not respectfully appeal to you, with some hope of success, to seriously consider whether it is not your imperative duty to refer this matter to the judiciary?

I am free to confess I feel more than ordinary zeal for the fate of this question. I can claim to be one of the founders of the sinking fund. I have watched it with that care which would be given by a faithful public sentinel. I have the consolation to know, that through its instrumentality, the public honor and integrity of the state have been preserved; and, now that I am about to retire from the public service, and see this financial scheme so strenghthened as to give almost positive assurances that the public debt will be paid without taxation, I cannot restrain a feeling of deep mortification to see, as I humbly conceive, my own and the hopes of the country dissipated, for the payment of the public debt, without a resort to onerous taxation, or an extension of a heavy debt, the payment of the interest of which will be a heavy drain upon the labor of the country.

A sense of duty to the country obliges me to withhold my assent.

Most respectfully,

JOHN L. HELM.

MARCH 12, 1851.

Mr. Patterson moved to postpone the further consideration of said message until Friday next, at 11 o'clock, A. M.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Graves, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Abijah Gilbert,	Robert A. Patterson,
Camden M. Ballard,	Richard C. Graves,	Camden Riley,
James P. Barbour,	Elihu Hogan,	John W. Ritter,
John P. Bruce,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	Alfred Johnston,	Thomas J. Smith,
Joshua Buster,	Beriah Magoffin,	William Sterett,
Walter Chiles,	Daniel Morgan,	Daniel Waits,
Sam. Daviess Delany,	Fitch Munger,	Thomas I. Young—24.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Hamilton Pope,
John Eaker,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Overton P. Hogan,	Wm. N. Marshall,	James M. Shepard—9.

Ordered, That the Public Printer print 150 copies of said message for the use of the General Assembly.

And then the Senate adjourned.

THURSDAY, MARCH 13, 1851.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act organizing the department of the Auditor of Public Accounts, and fixing the salaries of the officers of said department.

An act to reduce into one the several acts regulating the town of Madisonville.

An act to amend the charter of the Covington and Lexington Turnpike Road Company, and to incorporate the Georgetown and Dry Ridge Turnpike Road Company as a separate and independent Company.

An act to amend an act creating the office of Police Judge and Marshal in the towns of Clinton and Moscow, in Hickman county.

An act to legalize the proceedings of the Bracken County Court at the October term, 1850.

An act to amend the charter of the Lexington Insurance Company.

Mr. Magoffin, from the committee on the Court of Appeals, reported a bill to branch the Court of Appeals, which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judges of the Court of Appeals, for the transaction of business and the trial and determination of causes, shall hold at least one term or session of said Court in each of the appellate districts in this State, as follows: In the first district, commencing on the day of , in the town of , in the county of ; in the 2d, on the day of , in the town of , in the county of ; in the 3d, on the day of , in the town of , in the county of ; and in the 4th district, on the day of , in the town of , and in the county of ; and shall hold their sessions so long as may be necessary for the transaction of the business of the Court.

Mr. O. P. Hogan moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Richard C. Graves,	Beriah Magoffin,
Camden M. Ballard,	Elihu Hogan,	John W. Ritter,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	James M. Shepard,
Joshua Buster,	John W. Leathers,	William Sterett—17.
Abijah Gilbert,	Thomas P. Linthicum,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Camden Riley,
John P. Bruce,	William N. Marshall,	Robert S. Russell,
Walter Chiles,	Robert A. Patterson,	Nathaniel P. Saunders,
John Eaker,	Hamilton Pope,	Thomas J. Smith—13.
James W. Irwin,		

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to establish a Code of Practice in civil cases in the Courts of this Commonwealth.

Mr. Delany moved a reconsideration of the vote adopting the amendment to said bill, moved by Mr. Bullock, on yesterday.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Young, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Richard C. Graves,	William N. Marshall,
James P. Barbour,	Elihu Hogan,	Hamilton Pope,
John P. Bruce,	James W. Irwin,	John W. Ritter,
Joshua Buster,	Alfred Johnston,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John C. Kouns,	James M. Shepard,
John Eaker,	Thomas P. Linthicum,	Thomas I. Young—19.
Abijah Gilbert,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Camden Riley,
Camden M. Ballard,	Daniel Morgan,	Thomas Rouse,
William C. Bullock,	Fitch Munger,	William Sterett,
Overton P. Hogan,	Robert A. Patterson,	Daniel Waits—13.
John W. Leathers,		

Mr. Patterson moved a call of the Senate.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Fitch Munger,
Camden M. Ballard,	John W. Leathers,	Robert A. Patterson,
John P. Bruce,	Beriah Magoffin,	Thomas J. Smith,
William C. Bullock,	Daniel Morgan,	William Sterett—13.
Walter Chiles,		

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
James P. Barbour,	James W. Irwin,	John W. Ritter,
Joshua Buster,	Alfred Johnston,	Thomas Rouse,
Sam. Daviess Delany,	John C. Kouns,	Nathaniel P. Saunders,

John Eaker,	Thomas P. Linthicum,	James M. Shepard,
Abijah Gilbert,	William N. Marshall,	Daniel Waits,
Richard C. Graves,	Hamilton Pope,	Thomas I. Young—21.

The question was again taken on the adoption of the amendment to said bill, moved by Mr. Bullock, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Thomas Rouse,
Camden M. Ballard,	Daniel Morgan,	James M. Shepard,
William C. Bullock,	Fitch Munger,	Thomas J. Smith,
Walter Chiles,	Robert A. Patterson,	William Sterett,
Overton P. Hogan,	Camden Riley,	Daniel Waits—16.
John W. Leathers,		

Those who voted in the negative, were

Hall Anderson,	Abijah Gilbert,	Thomas P. Linthicum,
James P. Barbour,	Richard C. Graves,	William N. Marshall,
John P. Bruce,	Elihu Hogan,	Hamilton Pope,
Joshua Buster,	James W. Irwin,	John W. Ritter,
Sam. Daviess Delany,	Alfred Johnston,	Nathaniel P. Saunders,
John Eaker,	John C. Kouns,	Thomas I. Young—18.

Mr. Magoffin moved to amend said bill, by adding to the 37th section the following proviso, viz:

Provided, That this section shall not apply to the slaves of infants.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Richard C. Graves,	Hamilton Pope,
Hall Anderson,	Elihu Hogan,	Camden Riley,
James P. Barbour,	James W. Irwin,	John W. Ritter,
John P. Bruce,	Alfred Johnston,	Nathaniel P. Saunders,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Joshua Buster,	Beriah Magoffin,	William Sterett,
Sam. Daviess Delany,	William N. Marshall,	Daniel Waits,
John Eaker,	Daniel Morgan,	Thomas I. Young—26.
Abijah Gilbert,	Fitch Munger,	

Those who voted in the negative, were

Camden M. Ballard,	John W. Leathers,	Thomas Rouse,
Walter Chiles,	Robert A. Patterson,	Thomas J. Smith—7.
Overton P. Hogan,		

Resolved, That the title of said bill be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom was referred a resolution of inquiry into the propriety of imposing a tax on all insurance offices and lottery privileges, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said resolution be referred to the committee on Circuit Courts.

Mr. Chiles, from the same committee, read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the committee of Finance, of the Senate, and the committee of Claims, of the House of Representatives, be constituted a "*joint committee*" to prepare and bring in a bill for the appropriation of money, and that they report the same at as early a day as practicable.

The rule of the Senate requiring a joint resolution to lay one day on the table, being dispensed with, said resolution was taken up, twice read, and adopted.

Mr. Irwin moved to dispense with the rules, in order to offer the following resolution, viz:

Resolved, That the committee on the Court of Appeals be directed to bring in a bill to provide for one branch of the Court of Appeals south of Green river.

And the question being taken thereon, it was decided in the negative—(two-thirds not voting therefor.)

The yeas and nays being required thereon by Messrs. Irwin and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Robert S. Russell,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Walter Chiles,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Camden Riley,	Thomas I. Young—17.
James W. Irwin,	John W. Ritter,	

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	Robert A. Patterson,
Camden M. Ballard,	Elihu Hogan.	Hamilton Pope,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
William C. Bullock,	John W. Leathers,	James M. Shepard—14.
Joshua Buster,	Thomas P. Linthicum,	

Mr. Shepard, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit

of Common Schools in Anderson county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to incorporate the Nashville and Louisville Railroad Company, approved March 4, 1850, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

The following bills were reported, to-wit:

By Mr. Pope, from the committee on the Judiciary—A bill to reduce into one the several acts concerning the town of Campbellsville, in Taylor county.

By same—A bill to incorporate the Greenville Mansion Hotel Company.

By Mr. T. J. Smith, from the committee on Religion—a bill to incorporate the Paint Lick Presbyterian Church, in Garrard county.

By Mr. O. P. Hogan, from a select committee—A bill to amend the town of Crittenden, in Grant county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
March 13, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent, Lewis White, to be Sheriff of Owen—the County Court having failed to recommend.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

Leave was given to bring in the following bills, viz:

On motion of Mr. Leathers—1. A bill to authorize the Commissioners of Common Schools in Kenton county to pay over to the Trustees of School District, No. 16, any moneys in their hands due to said district.

On motion of same—2. A bill to authorize the City Council of Covington to fix the voting precincts of said city.

On motion of Mr. Rouse—3. A bill to amend the charter of the Petersburg and Burlington Turnpike Road Company.

On motion of Mr. T. J. Smith—4. A bill to establish an efficient patrol in this Commonwealth, the better to guard against the evils of slaves passing at large through the country.

On motion of Mr. Irwin—5. A bill for the benefit of T. R. J. Clark, of Todd county.

On motion of Mr. Bullock—6. A bill to incorporate the Washington Support and Health Insurance Company.

The committee on Education was directed to prepare and bring in the 1st; the committee on Privileges and Elections the 2d; the committee on Internal Improvement the 3d and 5th; the committee on the Judiciary the 4th; and Messrs. Bullock, Pope, and Magoffin, were appointed a committee to prepare and bring in the 6th.

The amendment of the House of Representatives, to the amendments proposed by the Senate, to a bill from that House, entitled, an act to authorize the County Court of Nelson to subscribe stock in the Louisville, and Nashville Railroad Company, was taken up, twice read, and concurred in.

The amendments proposed by the House of Representatives, to bills from the Senate, of the following titles, viz:

An act to amend the charter of the town of Hardinsburg.

An act authorizing the Allen County Court to subscribe stock in the Louisville and Nashville Railroad.

An act to authorize the city of Louisville to subscribe stock in certain Railroads.

Were taken up, twice read, and concurred in.

The amendments proposed by the House of Representatives, to bills from the Senate, of the following titles, viz:

An act to amend the charter of the Lexington and Danville Railroad Company.

An act to unite into one the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Shepherdsville Plank Road Company.

Were taken up, twice read, and disagreed to.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850, was taken up.

The sixth section of said bill reads as follows, viz:

§ 6. That the 22nd section of the charter shall be so amended as to authorize the county court of any county, through which the road or any branch thereof may pass, to subscribe to the stock of said company, in the name of the county, and also to pay the sum so subscribed as in said section provided. But no such subscription shall be made until after such court shall have been petitioned, in writing, to make the same by a majority of the *resident free white male inhabitants of the county, over twenty one years of age, who have been assessed, and paid the state revenue of the preceding year*, or until after said court shall have submitted the question of such subscription to all the *free male inhabitants of said county over twenty one years of age, who hove paid their revenue tax for the preceding year*, and the proposition shall have received in favor of it a majority of all the votes cast.

The amendment to said bill, is to strike out all that part of said section printed in italics, and insert in lieu thereof, "constitutionally qualified voters of such county."

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and E. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Robert A. Patterson,
Hall Anderson,	Overton P. Hogan,	Hamilton Pope,
Camden M. Ballard,	James W. Irwin,	Camden Riley,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
William C. Bullock,	John W. Leathers,	James M. Shepard,
Joshua Buster,	Thomas P. Linthicum,	Thomas J. Smith,
Sam. Daviess Delany,	Beriah Magoffin,	William Sterett,
John Eaker,	Wm. N. Marshall,	Daniel Waits,
Abijah Gilbert,	Daniel Morgan,	Thomas I. Young—32.
Richard C. Graves,	Fitch Munger,	

In the negative—Robert S. Russell.

The amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to amend the charter of the Southern Bank of Kentucky, was taken up.

The amendment to said bill, is to strike out all after the enacting clause, and insert in lieu thereof the following, viz:

That the Southern Bank and Branches shall have the privilege of issuing notes of less denomination than five dollars, but not less than one dollar; and that said bank shall, on the first day of July in each year, pay into the Treasury an annual tax of fifty cents on each one hundred dollars of stock paid in, which shall go in aid of the Sinking Fund.

Mr. Eaker moved to amend said amendment, by adding thereto the following, viz:

Be it further enacted, That it shall be the duty of the President and Directors of said Bank to cause books to be opened early in September next, at three suitable places in each of the three districts where no branch has been located—having given not less than thirty days notice thereof in the newspapers designated in the original charter; and shall give due notice to the Commissioners appointed at each place to superintend the opening of books and the taking of stock, and cause said books to be kept open for at least sixty days; and the said President and Directors, in the performance of the duties herein prescribed, shall comply with this act, and the provisions of the 45th section of the original charter, and shall locate the branches so soon as the subscription and payment of stock will justify their doing so.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Young, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Fitch Munger,
John P. Bruce,	Overton P. Hogan,	Thomas Rouse,
Joshua Buster,	Alfred Johnston,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	James M. Shepard,
John Eaker,	William N. Marshall,	Daniel Waits—16.
Richard C. Graves,		

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	Camden Riley,
Camden M. Ballard,	John W. Leathers,	John W. Ritter,
James P. Barbour,	Thomas P. Linthicum,	Thos. J. Smith,
Wm. C. Bullock,	Daniel Morgan,	William Sterett,
Abijah Gilbert,	Robert A. Patterson,	Thomas I. Young—17.
James W. Irwin,	Hamilton Pope,	

The question was then taken on concurring in the amendment proposed by the House of Representatives, and it was decided in the negative; so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Irwin and Graves, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	Overton P. Hogan,	Thomas Rouse,
Joshua Buster,	Alfred Johnston,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	James M. Shepard,
John Eaker,	Beriah Magoffin,	Daniel Waits—14.
Elihu Hogan,	William N. Marshall,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Hamilton Pope,
Hall Anderson,	John C. Kouns,	Camden Riley,

Camden M. Ballard, James P. Barbour, Wm. C. Bullock, Abijah Gilbert, Richard C. Graves, John W. Leathers, Daniel Morgan, Fitch Munger, Robert A. Patterson, John W. Ritter, Thomas J. Smith, William Sterett, Thomas I. Young—19.

A bill from the House of Representatives, entitled, an act to amend an act creating the office of Police Judge and Marshal in the towns of Clinton and Moscow, in Hickman county, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill to provide for a special Court of Appeals was taken up.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill to incorporate the Newport Safety Fund Bank of Kentucky.

Ordered, That the further consideration of said bill be postponed, and made the special order for Friday, the 14th inst., at half past 11 o'clock.

The Senate took up for consideration a bill to re-organize Transylvania University, and establish therein a school for teachers.

Said bill reads as follows, viz:

Whereas, it is of indispensable necessity, in the extension, support, and complete development of the common school system to provide a sufficient supply of competent teachers—and to that end, the means of instruction for said teachers, beyond what can be supplied in the district schools, now or hereafter established by law: and whereas, the Transylvania University—which was, from its first establishment, intended as a state institution—affords special advantages, in its grounds, buildings, endowments, libraries, and various properties, possessions, and franchises, for the successful execution of a plan combining every advantage of a school for teachers with those which can be derived from general university instruction.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby appointed and constituted a board of trustees of Transylvania University, which shall consist of the governor and lieutenant governor of this commonwealth, the chief justice of the court of appeals, the attorney general, the speaker of the house of representatives, and the superintendent of public instruction, *in office*, and of the persons, who, at the passage of this act, are actually in office as trustees of Transylvania University, to-wit:

, who, and their successors forever, shall be a body corporate and politic, in the laws of Kentucky, having all the rights, privileges, powers, and franchises now possessed by the board of trustees of said Transylvania University; except so far as they, or any of them, are modified by this act. And the successors of such trustees as do not hold their office or offices, shall be elected from

time to time, by the board of trustees, unless otherwise directed by law—any citizen of this state, but no other person—being eligible. The board of trustees created by this act, shall commence within sixty days after the passage thereof, at a time and place to be designated by the governor of the commonwealth; and shall then and there—any five members being present—constitute and forthwith enter upon their duties, and become invested with all the rights, priviliges, powers, properties, and franchises, intended to be embraced by this act; and, thereupon, all the powers of the present board of trustees shall cease and determine. And the present board of trustees shall, within thirty days after the passage of this act, communicate to the governor of the state, their consent—under the 11th section of the act, approved February 20, 1839, chapter 1330—to the alterations in the organization of Transylvania University, made by this act.

§ 2. Every county in this state, and every city having a separate representation, shall have the right to keep one pupil at the said university, continually, free of all charges for instruction; and every senatoral district in this state shall also have the right to keep one pupil at the said university, continually, free of all charges for instruction: making the number of pupils of this description, at the present time, one hundred and thirty-nine. But no one individual shall be taught in this manner, for more than two full university years; and all persons thus taught, shall be considered to be under an obligation of honor, and shall also expressly bind themselves to pursue the profession of teachers of common schools in this state, for a period at least as long as they have been themselves taught as aforesaid, in said university. In each county, the individuals who shall enjoy the benefits aforesaid, shall be selected, from time to time, by the county court, and in each city having a separate representation, by the chief municipal authority; and in each senatorial district, the district pupil shall be selected in like manner, by the counties or cities, in rotation, alphabetically; and all such appointments shall be considered a public distinction, and shall be given to the most worthy, without regard to any other consideration.

§ 3. Every citizen of this state, who follows the profession of a teacher of youth, and who shall not have enjoyed the benefits provided under the next preceding section, shall have the right to attend, for one full university year, free of expense for instruction, upon all the courses and chairs contemplated by this act, or established under its special provisions. But it is not designed that the benefits conferred by this section, or the one next preceding, shall entitle the pupils contemplated in these two sections, to gratuitous instruction in the law or medical school of the university. Those schools, and all other schools, faculties, and properties, in any way connected with said university, are and shall be as completely under the control of the board of trustees hereby created, as the particular department hereby specially re-organized; and that, to all intents and purposes, any act or any part of any act to the contrary notwithstanding. But as no special aid is hereby designed to be rendered, so no special obligations are hereby imposed on either of said schools or faculties.

§ 4. Other pupils, besides those contemplated in the two next preceeding sections, and in sections six and seven of this act, shall be allowed to attend the university, upon such terms and conditions, and to receive all its benefits for such moderate fees, as may be ordained and established, from time to time, by the board of trustees.

§ 5. The act approved February 20, 1839, chapter 1330, is so far modified by this act, in all its clauses relating to the Transylvania Institute, which was incorporated by that act, that said institute shall have no power to appoint trustees of Transylvania University, after the board of trustees created by this act shall have been fully constituted, as provided in the first section hereof. But the said institute shall remain, for all other purposes contemplated by the said act of February 20, 1839, a body corporate and politic; and every member of said institute

who has paid, or who shall hereafter pay, to the trustees of the university, for the benefit of Morrison College, the sum of five hundred dollars, shall be entitled, under this act, to all the rights and privileges, except as aforesaid, to which he would have been entitled if this act had not passed.

§ 6. The said act approved February 20, 1839, is still further modified and amended, in such a manner that the mayor and board of councilmen of the city of Lexington, shall have no power to elect trustees of Transylvania University, after the full organization of the board of trustees herein before provided for. But an equitable arrangement shall be made by the board of trustees of the university, with the mayor and board of councilmen of the city of Lexington, whereby the said city, which is hereby secured in the enjoyment of the rights granted to it under the ninth section of said act, except as before excepted, may, if it prefers to do so, relinquish the enjoyment of the whole, or any portion of its right to send pupils to Morrison College, upon receiving from the board of trustees of the university a release of the whole, or any portion of the original subscription of said city to Morrison College, so far as that subscription may be still unpaid, provided any part of it is still unpaid.

§ 7. Full power and authority are hereby given to the board of trustees, to arrange, organize, and establish, and from time to time to change, at their pleasure, the whole system of instruction, and the whole course of studies, in Transylvania University. And they are hereby directed to perform these duties, with previous reference to the fact that the school designed to be created under this act, is intended to supply the state of Kentucky with a sufficient and constant supply of good teachers; while, at the same time, it may afford the means of superior and extensive instruction to pupils who may not have in view the profession of teaching. The said trustees shall also have power to appoint all professors and teachers in said university, and to remove the same at pleasure, the majority of all the trustees concurring in every direct act of removal. They are hereby required to report, in writing, to the legislature, at every biennial meeting thereof, clearly and fully, the condition, wants, and progress of the institution. And all laws and parts of laws, conflicting with the provisions of this act, and especially the seventh section of the said act of February 20, 1839, which creates a board of trustees, are hereby repealed; but all acts and parts of acts, not conflicting with any of the provisions of this act, remain in full force.

§ 8. To carry out the intentions of this act, the superintendent of public instruction shall draw an order on the second auditor for the sum of $, on the first day of January and the first day of July in each and every year, payable out of the school fund of the state; which order shall be in favor of the president, for the time being, of the board of trustees of Transylvania University. Whereupon, the second auditor shall draw his warrant upon the treasury, in the usual manner; and all such warrants, and payments made on them, shall be charged to the school fund, in all the public offices through which they pass. The board of trustees of the university shall keep a separate account of all the funds so received, and of the expenditure thereof; and they shall be appropriated by them—first, to the payment of the salaries of a sufficient number of competent professors and teachers; secondly, to the purchase of books, instruments, and apparatus, needful in the several departments of knowledge taught in the school; and thirdly, to such incidental expenses as may be absolutely necessary. And no professor or teacher shall receive out of this fund more than $ per annum, for his services, of whatever kind, or upon whatever pretence; except that the permanent principal of the university, if one is appointed, may receive from it, at the most, $ per annum. The salaries of the professors and teachers paid out of this fund, shall be paid half-yearly, as the public money is received. Nothing in this section shall be construed to prevent the trustees from allowing any of the professors or teachers additional compensation, if they think proper, out of other

endowments, or from the fees of such pupils as do not receive gratuitous instruction.

§ 9. This act shall take effect as soon as the consent of the present board of trustees is signified, and the board of trustees created by it shall be fully organized and constituted, as hereinbefore provided. The general assembly of the commonwealth of Kentucky may alter, amend, or repeal this act, or any part of it, at any time.

Mr. Irwin moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Ritter, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	John W. Ritter,
Camden M. Ballard,	Alfred Johnston,	Nathaniel P. Saunders,
James P. Barbour,	Thomas P. Linthicum,	Berry Smith,
Joshua Buster,	Wm. N. Marshall,	Thomas J. Smith,
Abijah Gilbert,	Robert A. Patterson,	William Sterett—16.
Overton P. Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Sam. Daviess Delany,	John W. Leathers,
John P. Bruce,	John Eaker,	Beriah Magoffin,
William C. Bullock,	Richard C. Graves,	Thomas Rouse,
Walter Chiles,	Elihu Hogan,	James M. Shepard.—12.

The Senate took up for consideration a bill from the House of Representatives, entitled, an act to increase the jurisdiction of Justices of the Peace.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, so much of the second section of the act, entitled, "an act to amend the law in relation to trials, cognizable before justices of the peace," approved February 13, 1828, as restricts the jurisdiction of justices of the peace to fifty dollars in the causes of action in said section enumerated, is hereby repealed; and in such causes of action said justices shall have original concurrent jurisdiction to the amount of one hundred dollars, with the same right of appeal and jury trial in said second section prescribed; and, hereafter, said section shall read and be construed as though the words "one hundred" were substituted in said section for the word "fifty:" *Provided*, that when any suit shall be instituted before a justice of the peace for a sum greater than fifty dollars, the plaintiff shall pay into the hands of such justice the same tax fee that is now required by law to be paid to the clerk upon the institution of a suit in the circuit court, and said justice shall account for and pay the same over to the trustee of the jury fund of his county, under the same rules, regulations and restrictions that justices of the peace are now required by law to account for fines and forfeitures.

§ 2. That when a justice of the peace shall render judgment on a note, he shall endorse across the face of the same, that he has rendered judgment thereon, which he shall date and sign.

§ 3. That, hereafter, constables shall receive no more commission for replevying and collecting executions, above fifty dollars, than sheriffs now receive.

§ 4. That all judgments, so rendered by justices of the peace, shall, upon application by the plaintiff in any said judgment, be immediately certified to the clerk of the circuit court for such county, who is thereupon authorized and required to issue execution under the same regulations and restrictions as now prescribed for judgments originally rendered in the circuit court: *Provided*, that no record shall be taken to the circuit court whilst an execution is in the hands of the constable; and the justice shall certify no record up to the circuit court until the executions issued on the judgment are returned to his office, endorsed by the proper officer "no property found," to make the same: *and, provided further*, that all lands, sold under such execution, shall be subject to redemption as now provided by law, and subject to the same rules of valuation as are now required.

Mr. O. P. Hogan moved to amend said bill, by adding thereto the following, viz:

§ 5. That the justices of the peace of this commonwealth shall give bond and security, to be approved by the county court, and in a penalty to be fixed by said court, payable to the commonwealth of Kentucky, that they will pay over all moneys received by them on notes and accounts put in their hands; to isssue warrants on, for collection on any moneys that may be received by them on judgments obtained before them, on moneys received by them on replevin bonds, and also, executions issuing from their office; and they shall be allowed two per cent. on all moneys received by them under the provisions of this act, to be paid by the defendant in the action; and they shall pay over all tax on writs received by them, where suits are brought before said justices for sums over fifty dollars, to the trustee of the jury fund; and should the justices of the peace fail to pay over any moneys received by them under the provisions of this act, then it may be lawful for the person or persons owning such money or moneys received by them, to motion such justice or justices and their secureties, under the same rules and regulations that constables of this commonwealth and their secureties are proceeded against for failing to pay over any money received by them.

Mr. Barbour moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall the amendment of Mr. O. P. Hogan be adopted?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Graves, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	Sam. Daviess Delany,	John W. Ritter—5.
Walter Chiles,	Overton P. Hogan,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Robert A. Patterson,
Hall Anderson,	James W. Irwin,	Hamilton Pope,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
William C. Bullock,	John W. Leathers,	Nathaniel P. Saunders,

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Joshua Buster, Thomas P. Linthicum, James M. Shepard,
John Eaker, Beriah Magoffin, Berry Smith,
Abijah Gilbert, William N. Marshall, William Sterett,
Richard C. Graves, Fitch Munger, Daniel Waits—27.

The question was then taken—"shall said bill be read a third time?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Elihu Hogan, Hamilton Pope,
Hall Anderson, James W. Irwin, Camden Riley,
James P. Barbour, Alfred Johnston, Thomas Rouse,
John P. Bruce, John C. Kouns, Robert S. Russell,
William C. Bullock, Thomas P. Linthicum, Nathaniel P. Saunders,
Joshua Buster, Beriah Magoffin, James M. Shepard,
Sam. Daviess Delany, William N. Marshall, Berry Smith,
John Eaker, Fitch Munger, Thomas J. Smith,
Abijah Gilbert, Robert A. Patterson, Daniel Waits—28.
Richard C. Graves,

Those who voted in the negative, were

Camden M. Ballard, Overton P. Hogan, John W. Ritter,
Walter Chiles, John W. Leathers, William Sterett—6.

The constitutional provision as to the third reading being dispensed with,

Mr. O. P. Hogan moved to refer said bill to the committee on the Judiciary.

Mr. Chiles, at half past 5 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,) John Eaker, Daniel Morgan,
Hall Anderson, Abijah Gilbert, Fitch Munger,
Camden M. Ballard, Richard C. Graves, Hamilton Pope,
William C. Bullock, Overton P. Hogan, John W. Ritter,
Joshua Buster, James W. Irwin, James M. Shepard,
Walter Chiles, John W. Leathers, William Sterett—20.
Sam. Daviess Delany, Beriah Magoffin,

Those who voted in the negative, were

James P. Barbour, Thomas P. Linthicum, Nathaniel P. Saunders,
Elihu Hogan, William N. Marshall, Berry Smith,
Alfred Johnston, Robert A. Patterson, Thomas J. Smith,
John C. Kouns, Thomas Rouse, Daniel Waits—12.

And then the Senate adjourned.

FRIDAY, MARCH 14, 1851.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate, to a bil from that House, entitled, an act to establish a Code of Practice in civi cases in the Courts of this Commonwealth.

That they had passed a bill, entitled,

An act to abolish the office of President of the Board of Internal Improvement, and change the organization of said Board.

Mr. Shepard, from the committee on Education, to whom was referred a bill for the benefit of certain school districts in the counties of Knox and Whitley, reported the same with amendments, which were concured in.

Ordered, That said bill be re-committed to the committee on Education, with instructions to report the same on Monday next, at 10 o'clock.

Mr. Shepard, from the committee on Education, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of certain Common School Districts in Henderson, Henry, and Monroe counties.

An act for the benfit of Newcastle Common School District, in Henry county.

Reported the same without amendment.

Ordered, That said bills be re-committed to the committee on Education.

Mr. Shepard, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of School District, No. 19, in Meade county, reported the same without amendment.

Amendments to said bill were proposed by Messrs. Eaker and Bruce, which were concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan.	Hamilton Pope,
Camden M. Ballard,	Overton P. Hogan,	John W. Ritter,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	James M. Shepard,
Sam. Daviess Delany,	John W. Leathers,	Berry Smith,
John Eaker,	Thomas P. Linthicum,	Thomas J. Smith,
Abijah Gilbert,	Fitch Munger,	Daniel Waits—21.

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	Robert S. Russell,
William C. Bullock,	William N. Marshall,	Nathaniel P. Saunders,
Joshua Buster,	Robert A. Patterson,	William Sterett—10.
Walter Chiles,		

Resolved, That the title of said bill be amended, to read, "an act for the benefit of certain school districts in Meade, Knox, Whitley, Nelson, and Greenup counties.

Mr. Shepard, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act incorporating the Trustees of the Parochial School of the Hanging Fork Presbyterian Church, approved February 9, 1850, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act to authorize the Montgomery County Court to levy a tax for re-building the Court House of said county.

An act to amend the charter of the Lexington Insurance Company.

Ordered, That said bills be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Saunders,

Ordered, That leave of absence, for a few days, be granted to Mr. Young.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to increase the jurisdiction of Justices of the Peace.

Mr. O. P. Hogan modified his motion, so as to refer said bill to the

committee on Circuit Courts, with instructions to report the same on Monday next, at 10 o'clock.

And the question being taken thereon, it was decided in the affirmative.

Mr. Barbour, from the committee on Education, reported a bill for the benefit of School District, No. 16, Kenton county, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration the message of the Governor, returning, with his objections, a bill, entitled, an act to provide for the payment of the interest of the School Fund.

Mr. Pope moved to send for the absentees.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Alfred Johnston,	Camden Riley,
William C. Bullock,	John W. Leathers,	John W. Ritter,
Joshua Buster,	Thomas P. Linthicum,	Robert S. Russell,
Sam. Daviess Delany,	Beriah Magoffin,	James M. Shepard,
John Eaker,	Fitch Munger,	Thomas J. Smith,
Elihu Hogan,	Robert A. Patterson,	William Sterett—20.
James W. Irwin,	Hamilton Pope,	

Those who voted in the negative, were

Hall Anderson,	Richard C. Graves,	Thomas Rouse,
Camden M. Ballard,	Overton P. Hogan,	Nathaniel P. Saunders,
James P. Barbour,	John C. Kouns,	Berry Smith,
John P. Bruce,	William N. Marshall,	Daniel Waits—13.
Abijah Gilbert,		

The question was then taken—"shall said bill pass, the objections of the Governor to the contrary, notwithstanding?" and it was decided in the affirmative.

The yeas and nays being taken thereon, in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Fitch Munger,
Camden M. Ballard,	Overton P. Hogan,	Robert A. Patterson,
James P. Barbour,	James W. Irwin,	Camden Riley,
John P. Bruce,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Nathaniel P. Saunders,

Joshua Buster, Walter Chiles, Sam. Daviess Delany, Abijah Gilbert, Richard C. Graves, John W. Leathers, Thomas P. Linthicum, Beriah Magoffin, William N. Marshall, James M. Shepard, Berry Smith, Thomas J. Smith, William Sterett—28.

Those who voted in the negative, were

Mr. Speaker, (Grey,) John Eaker, Daniel Morgan, Hamilton Pope, John W. Ritter, Robert S. Russell—6.

A bill from the House of Representatives, entitled, an act concerning free negroes and mulattoes, was taken up.

Ordered, That said bill be re-committed to the committee on the Judiciary, with instructions to report the same on Monday next, at 10 o'clock.

A bill to define the duties of the Auditor of Public Accounts, and of the Second Auditor, was taken up.

Ordered, That said bill be referred to the committee on Finance.

A bill from the House of Representatives, entitled, an act organizing the department of the Auditor of Public Accounts, and fixing the salaries of the officers of said department, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on Finance.

The Senate, according to order, took up for consideration a bill to provide for the payment of the unpaid orders of the School Commissioners.

Said bill reads as follows, viz:

Whereas, it appears, from the report of the Superintendent of Public Instruction for the year 1850, that he has drawn his annual draft for the sum of $144,006, and that the available income of the School Fund for 1850 is only $129,050 60—leaving a deficit of $14,955 40; and, whereas, it also appears that the Legislature, at its present session, has passed many special laws for the benefit of school districts which failed to report in due time, and will probably pass others—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be and he is hereby directed to issue his warrant for the unpaid orders of the School Commissioners, for the year 1850, and such other orders of School Commissioners, when made out and presented in proper form, and drawn in virtue of special acts of this Legislature, which have or may be passed; and the Treasurer is directed to pay said orders, when presented, out of any moneys in the Treasury not otherwise appropriated: *Provided*, the said Auditor is not to charge the amount of said orders to the Board of Education.

Mr. Eaker moved to amend said bill, by striking out the proviso, and inserting in lieu thereof the following, viz:

That when all the outstanding orders shall have been paid, the bond

held by the Board of Education, for one hundred and one thousand and one dollars and fifty-nine cents, dated 5th July, 1850, shall be credited by them with the sum of thirty-six thousand eight hundred and seventy dollars and sixty-one cents, which is the amount chargeable to the income of the School Fund for the year 1849, agreeable to the eighth section of the act of March 1, 1850, concerning Common Schools; and the Second Auditor shall make the necessary entries on the school books, and report the same to the next General Assembly.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Eaker and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Hamilton Pope,	James M. Shepard,
John Eaker,	John W. Ritter,	Daniel Waits—7.
Fitch Munger,		

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Wm. N. Marshall,
Camden M. Ballard,	Overton P. Hogan,	Robert A. Patterson,
James P. Barbour,	James W. Irwin,	Camden Riley,
John P. Bruce,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	John W. Leathers,	Berry Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	Thomas J. Smith,
Abijah Gilbert,	Beriah Magoffin,	William Sterett—24.

Mr. O. P. Hogan moved to amend said bill, by adding thereto the following, viz:

Be it further enacted, That nothing in this act shall be so construed as to authorize the Auditor to pay any draft drawn by the Superintendent of Public Instruction, except the balance due the schools, after the Sinking Fund has paid the January instalment.

Mr. Patterson moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall the amendment of Mr. O. P. Hogan be adopted?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Pope, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Thomas J. Smith,
Joshua Buster,	Beriah Magoffin,	William Sterett,
Sam. Daviess Delany,	Wm. N. Marshall,	Daniel Waits—13.
Overton P. Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Camden M. Ballard,	John C. Kouns,	Camden Riley,
John P. Bruce,	John W. Leathers,	John W. Riter,
William C. Bullock,	Thomas P. Linthicum,	Nathaniel P. Saunders,
John Eaker,	Fitch Munger,	James M. Shepard,
Abijah Gilbert,	Robert A. Patterson,	Berry Smith—18.

The question was then taken—"shall said bill be engrossed and read a third time?" and it was decided in the affirmative.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Saunders, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	Alfred Johnston,	Camden Riley,
Wm. C. Bullock,	John C. Kouns,	John W. Ritter,
Walter Chiles,	John W. Leathers,	Thomas Rouse,
Sam. Daviess Delany,	Thomas P. Linthicum,	Berry Smith,
John Eaker,	Beriah Magoffin,	Thos. J. Smith,
Abijah Gilbert,	Fitch Munger,	William Sterett,
Elihu Hogan,	Robert A. Patterson,	Daniel Waits—23.
James W. Irwin,	Hamilton Pope,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James P. Barbour,	William N. Marshall,
Hall Anderson,	Joshua Buster,	Nathaniel P. Saunders,
Camden M. Ballard,	Overton P. Hogan,	James M. Shepard—9.

Resolved, That the title of said bill be as aforesaid.

On motion of Mr. Munger,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate, to the amendment proposed by that House, to a bill from the Senate, entitled, an act to amend the charter of the Southern Bank of Kentucky.

After a short time, said bill was returned to the Senate.

And then the Senate adjourned.

FRIDAY, MARCH 15, 1851.

A message was received from the House of Representatives, announcing their concurrence in a resolution from the Senate, providing for a joint committee to bring in a bill for the appropriation of money.

That they had passed bills of the following titles, viz:

An act to fix the salaries of certain officers.

An act to charter the city of Louisville.

1. Mr. Patterson presented the petition of sundry citizens of the second Magistrates' district, in Caldwell county, praying the passage of a law to change the place of voting in said district.

2. Mr. Patterson presented the petition of sundry citizens of Livingston county, in relation to the dam across the Ohio river, at Cumberland Island.

Which petitions were received, (the 2nd read,) and referred—the 1st to the committee on Propositions and Grievances; and the 2nd to the committee on the Judiciary, with instructions to report on Tuesday next, at 10 o'clock.

Mr. Irwin moved to dispense with the rules, in order to offer the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of the Sinking Fund be, and they are hereby directed to pay into the Treasury of this Commonwealth, on or before the 20th instant, the January instalment of interest due on the school bonds, or list of bonds, held by the Board of Education.

And the question being taken thereon, it was decided in the negative—(two-thirds not voting therefor.)

The yeas and nays being required thereon by Messrs. Irwin and Barbour, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Walter Chiles,	Alfred Johnston,
Camden M. Ballard,	Sam. Daviess Delany,	John C. Kouns,
James P. Barbour,	Abijah Gilbert,	Beriah Magoffin,
John P. Bruce,	Elihu Hogan,	William N. Marshall,
Wm. C. Bullock,	Overton P. Hogan,	Nathaniel P. Saunders,
Joshua Buster,	James W. Irwin,	William Sterett—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Fitch Munger,	Thomas Rouse,
John Eaker,	Robert A. Patterson,	James M. Shepard,
John W. Leathers,	Camden Riley,	Berry Smith,
Thomas P. Linthicum,	John W. Ritter,	Thomas J. Smith—12.

Mr. Irwin, from the committee on Agriculture and Manufactures, to whom was referred a bill from the House of Representatives, entitled an act to incorporate the Owensboro' Building Company, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to suppress the practice of adulterating spirituous liquors, &c., reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	John W. Ritter,
Hall Anderson,	James W. Irwin,	Robert S. Russell,
Camden M. Ballard,	John W. Leathers,	Nathaniel P. Saunders,
John P. Bruce,	Thomas P. Linthicum,	James M. Shepard,
William C. Bullock,	Beriah Magoffin,	Berry Smith,
Joshua Buster,	William N. Marshall,	Thomas J. Smith,
Sam. Daviess Delany,	Robert A. Patterson,	William Sterett,
John Eaker,	Camden Riley,	Daniel Waits—25.
Abijah Gilbert,		

Those who voted in the negative, were

Walter Chiles,	John C. Kouns,	Hamilton Pope,
Overton P. Hogan,	Fitch Munger,	Thomas Rouse—6.

Resolved, That the title of said bill be as aforesaid.

Mr. Pope, from the committee on the Judiciary, reported a bill providing for the relief and discharge of securities for public officers, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be placed in the orders of the day, and that the Public Printer print 150 copies thereof, for the use of the General Assembly.

Mr. Bruce, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to incorporate the Stanford and Hustonville Turnpike Road Company.

An act to repeal an act to amend the charter of the Covington and Lexington Railroad Company, approved March 4, 1850; and, also, an act supplemental to said act, approved March 6, 1850.

An act to incorporate the Owenton and Scott County Line Turnpike Road Company.

An act to authorize the County Court of Montgomery to issue the bonds of said county for Internal Improvement purposes, and to establish a Board of Internal Improvement to manage said bonds.

Reported the same, with an amendment to the last named bill, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, (the last as amended,) and that the titles thereof be as aforesaid.

Mr. Bruce, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the county of Bourbon to issue bonds, and to subscribe stock in the Covington and Lexington, and in the Maysville and Lexington Railroad Companies, reported the same without amendment.

Ordered, That the further consideration of said bill be postponed, and made the special order for Monday next, at 12 o'clock.

The following bills were reported, viz:

By Mr. Bullock, from the committee on County Courts—A bill allowing to the county of Warren an additional district, for the election of Justices of the Peace and Constables.

By Mr. E. Hogan, from the committee on Privileges and Elections—A bill to authorize the Council of the city of Covington, to create two additional voting precincts in said city.

By Mr. Bullock, from a select committee—A bill to incorporate the Washington Support and Health Insurance Company.

By same—A bill for the benefit of Col. R. T. P. Allen.

By Mr. Pope, from the committee on the Judiciary—A bill exempting every custom house, post office, and court room, and other offices that may be erected within this Commonwealth, by the General Government, from taxation.

By same—A bill for the benefit of C. N. Carder, Constable of Oldham county.

By same—A bill concerning coal mines in Hancock county.

By Mr. Bruce, from the committee on Internal Improvement—A bill to charter the Danville and Bardstown Railroad Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. O. P. Hogan, from a select committee, to whom was referred the bill to amend the exemption laws, reported the same with an amendment.

Said amendment is to strike out the second section of said bill, and insert in lieu thereof the following, viz:

§ 2. That, hereafter, there shall be exempt from execution, on all contracts hereafter made, *one work horse*, five head of sheep, one cooking stove, and other cooking utensils, to the value of ten dollars, in addition to the specified articles now exempt from execution.

Mr. Eaker moved to amend said amendment, by striking out the words "*one work horse*."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Thomas P. Linthicum,	Thomas Rouse,
Joshua Buster,	Beriah Magoffin,	Berry Smith,
Walter Chiles,	Robert A. Patterson,	Thomas J. Smith,
John Eaker,	John W. Ritter,	William Sterett—13.
Abijah Gilbert,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan.	William N. Marshall,
Hall Anderson,	Overton P. Hogan,	Hamilton Pope,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
John P. Bruce,	Alfred Johnston,	James M. Shepard,
William C. Bullock,	John C. Kouns,	Daniel Waits—17.
Sam. Daviess Delany,	John W. Leathers,	

The amendment reported by the committee was then concurred in.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Leathers, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	William N. Marshall,
Camden M. Ballard,	Overton P. Hogan,	Hamilton Pope,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
John P. Bruce,	Alfred Johnston,	James M. Shepard,
William C. Bullock,	John C. Kouns,	Thomas J. Smith,
Joshua Buster,	John W. Leathers,	Daniel Waits—20.
Sam. Daviess Delany,	Thomas P. Linthicum,	

Those who voted in the negative, were

Walter Chiles,	Fitch Munger,	Thomas Rouse,
John Eaker,	Robert A. Patterson,	Berry Smith,
Abijah Gilbert,	John W. Ritter,	William Sterett—10.
Beriah Magoffin,		

Resolved, That the title of said bill be as aforesaid.

Mr. Munger moved a reconsideration of the vote disagreeing to the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to amend the charter of the Southern Bank of Kentucky

Ordered, That the further consideration of said motion be postponed until Wednesday next, at half past 9 o'clock.

Mr. Johnston, from the joint committee on Enrollments, reported the the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the town of Hardinsburg.

An act authorizing the construction of a Mill Dam across Pond river.

An act to authorize the city of Louisville to subscribe stock in certain Railroads.

An act for the benefit of Abraham Boyd, of Trigg county.

An act authorizing the Allen County Court to subscribe stock in the Louisville and Nashville Railroad.

An act to incorporate the Deposit Bank of Maysville.

An act to establish a Police Court in the town of Caseyville.

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Shelby Railroad Company.

An act to authorize the County Courts of Nelson and Barren to subscribe stock in the Louisville and Nashville Railroad Company.

An act to amend the charter of the town of Paducah.

An act for the benefit of the National Guards of the city of Louisville.

An act for the benefit of George Stivers and William Woodcock.

An act for the benefit of Common Schools in Anderson county.

An act to amend an act creating the office of Police Judge and Marshal in the towns of Clinton and Moscow, in Hickman county.

An act further to regulate the town of Bowlinggreen.

An act authorizing the Winchester and Kentucky River Turnpike Road Company to erect gates on certain conditions.

An act changing the boundary lines of District, No. 8, in Carter county.

An act to authorize the Trustees of Winchester to reduce the width of Main Cross street in said town.

An act to authorize the erection of a monument to the memory of Col. Richard M. Johnson.

An act to include the house and lot of Arthur Smith within the town of Cadiz.

An act providing for the election of Public Printer.

An act to purchase a burial place in the Frankfort Cemetery.

An act to incorporate the Versailles Joint Stock Building Company.

An act to establish the town of Beatty, in the county of Owsley.

An act to incorporate Grant Lodge, No. 85, of Free and Accepted Masons.

An act authorizing the County Courts of sundry counties to subscribe stock in Railroad Companies.

An act to amend the charter of the North Middletown, Mount Ida, and Mount Sterling Turnpike Road Company.

An act repealing an act, approved January 21, 1851, in regard to Three Mile Creek, in Lawrence county, and declaring said creek navigable.

An act to give additional Commissioners to the Mount Sterling and Jeffersonville Turnpike Road Company.

An act to authorize the Trustees of the town of Owenton to convey town lots.

An act to authorize the commandant of the 36th Regiment of militia to collect fines assessed in 1849.

An act extending the powers of the Mayor of the city of Maysville.

An act for the benefit of the Sheriffs of Lewis and Mason counties.

An act to repeal an act to establish a Police Court in the town of Mount Vernon.

An act for the benefit of Isham G. Hamilton, Clerk of the Boone County Court.

An act to change the corporate limits of the town of Moscow, in Hickman county.

An act to extend the limits of the town of West Liberty.

An act to incorporate a Turnpike road from Germantown to Thompson's ford, on the North fork, in Bracken county.

An act to incorporate the Board of Trustees of the town of Woodsonville.

An act to amend the act establishing the Police Court of Flemingsburg, approved January 21, 1851.

An act concerning the Police Judge of the town of Hawesville.

An act to establish the Police Court of Mount Carmel.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time Mr. Johnston reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act further to provide for the collection of tolls on the Kentucky, Green, and Barren rivers. Approved March 8, 1851.

An act to incorporate Pikeville Division, No. 79, Sons of Temperance.

An act to amend an act, entitled, an act to incorporate the Shelbyville and Taylorsville Turnpike Road Company.

An act for the benefit of the Sheriff of Lawrence county.

An act authorizing the Chancellor of the Louisville Chancery Court to direct certain streets in Portland to be closed.

Approved March 10, 1851.

An act to incorporate the Louisville and Mississippi or Ohio River Railroad Company.

An act to amend an act, entitled, an act to reduce into one the several acts concerning the town of Portland, approved March 2, 1850.

An act to authorize the sale of the Parsonage of the Glasgow Circuit of the Methodist Episcopal Church, South.

An act for the benefit of the Danville and Hustonville Turnpike Road Company.

An act to incorporate Blandville Lodge, No. 142, of Free and Accepted Masons.

An act for the benefit of the Sheriff of Boone county.

An act to amend the charter of the Clear Creek Turnpike Road Company, of Shelby county.

An act in relation to the Internal Improvement Fund of McCracken county.

An act to incorporate the Peacock Coal Mining Company, of Owsley county.

An act to amend an act, entitled, an act to incorporate the Linden Grove Cemetery Company, approved March 5, 1850.

An act for the benefit of Joseph A. Vance.

An act further to regulate the town of Bowlinggreen.

An act authorizing the Winchester and Kentucky River Turnpike Road Company to erect gates on certain conditions.

An act changing the boundary lines of District, No. 8, in Carter county.

An act to authorize the Trustees of Winchester to reduce the width of Main Cross street in said town.

An act to authorize the erection of a monument to the memory of Col. Richard M. Johnson.

An act to include the house and lot of Arthur Smith within the town of Cadiz.

An act providing for the election of Public Printer.

An act to purchase a burial place in the Frankfort Cemetery.

An act to incorporate the Versailles Joint Stock Building Company.

An act to establish the town of Beatty, in the county of Owsley.

An act to incorporate Grant Lodge, No. 85, of Free and Accepted Masons.

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An act to amend the act establishing the Police Court of Flemingsburg, approved January 21, 1851.

An act concerning the Police Judge of the town of Hawesville.

An act to establish the Police Court of Mount Carmel.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time Mr. Johnston reported that the committee had performed that duty.

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An act to incorporate the Peacock Coal Mining Company, of Owsley county.

An act to amend an act, entitled, an act to incorporate the Linden Grove Cemetery Company, approved March 5, 1850.

An act for the benefit of Joseph A. Vance.

An act to incorporate Union College, in the town of Morganfield, in Union county.

An act to incorporate the Breckinridge Savings Bank.

An act to organize County Courts in the several counties.

Approved March 11, 1851.

Mr. Eaker moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to prepare and bring in a bill prescribing the manner that persons who are, or may hereafter become securities of public officers, may be relieved or discharged on account of such securityship; and that they inquire into the expediency and propriety of passing a law authorizing writs of error in criminal and penal prosecutions, and regulating the right of challenge of jurors therein; and that they report by bill or otherwise.

Which was adopted.

Mr. Irwin read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kenlucky, That the Commissioners of the Sinking Fund be and they are hereby directed to pay into the Treasury of this Commonwealth, on or before the 20th inst., the January instalment of interest due on the school bonds, or list of bonds, held by the Board of Education.

Mr. Irwin moved the following resolution, viz:

Resolved, That the committee on the Court of Appeals be instructed to prepare and bring in a bill providing for holding a branch of the Court of Appeals in some county south of Green river, most convenient to the section of State south of Green river.

Mr. Johnston moved to amend said resolution, by substituting in lieu thereof the following, viz:

Resolved, That the committee on the Court of Appeals be instructed to bring in a bill establishing a branch of the Court of Appeals at some suitable place in the fourth appellate district.

Mr. O. P. Hogan moved to lay said resolution and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	John W. Ritter,
Camden M. Ballard,	Overton P. Hogan,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	James M. Shepard,
William C. Bullock,	John W. Leathers,	Berry Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	Daniel Waits—16.
Abijah Gilbert,		

Those who voted in the negative, were

Mr. Speaker (Grey,)	Beriah Magoffin,	Robert S. Russell,
John P. Bruce,	William N. Marshall,	Nathaniel P. Saunders,
John Eaker,	Fitch Munger,	Thomas J. Smith,
James W. Irwin,	Robert A. Patterson,	William Sterett—14.
Alfred Johnston,	Hamilton Pope,	

Leave was given to bring in the following bills, viz:

On motion of Mr. Chiles—1. A bill for the benefit of George I. Stockton and his securities on a bond for public arms.

On motion of same—2. A bill for the benefit of A. W. Hamilton and his securities on a bond for public arms.

Ordered, That the committee on Military Affairs prepare and bring in said bills.

The Senate, according to order, took up for consideration the motion made by Mr. Patterson, on the 5th inst., to reconsider the vote concurring in the resolution from the House of Representatives, fixing a day for the adjournment of the General Assembly.

And the question being taken on reconsidering the vote concurring in said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Hamilton Pope,
Hall Anderson,	Alfred Johnston,	Robert S. Russell,
Camden M. Ballard,	John C. Kouns,	James M. Shepard,
James P. Barbour,	Beriah Magoffin,	Berry Smith,
John P. Bruce,	William N. Marshall,	Thomas J. Smith,
Walter Chiles,	Fitch Munger,	William Sterett—19.
John Eaker,		

Those who voted in the negative, were

William C. Bullock,	Overton P. Hogan,	John W. Ritter,
Sam. Daviess Delany,	John W. Leathers,	Thomas Rouse,
Abijah Gilbert,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Elihu Hogan,	Robert A. Patterson,	Daniel Waits—12.

Mr. Patterson moved to amend said resolution, by striking out the "seventeenth," as the day of adjournment, and inserting the "twenty-fourth."

A message was received from the House of Representatives, asking leave to withdraw said resolution.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Fitch Munger,
Hall Anderson,	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Robert S. Russell,
John P. Bruce,	John C. Kouns,	James M. Shepard,
William C. Bullock,	John W. Leathers,	Berry Smith,
Walter Chiles,	Thomas P. Linthicum,	Thomas J. Smith,
Sam. Daviess Delany,	Beriah Magoffin,	William Sterett,
John Eaker,	William N. Marshall,	Daniel Waits—27.

Those who voted in the negative, were

Abijah Gilbert,	Robert A. Patterson,	Nathaniel P. Saunders—3.

The Senate took up for consideration the bill to fix the time of holding Circuit Courts in this Commonwealth.

Said bill fixes the time for holding courts in the 9th district as follows, viz:

In the county of Scott, on the fourth Monday in February and August, and to cntinue, each, twelve juridical days.

In the county of Bourbon, on the second Monday in March and September, and to continue, each, twelve juridical days.

In the county of Nicholas, on the fourth Monday in March and September, and to continue, each, twelve juridical days.

In the county of Mason, on the second Monday in April and October, and to continue, each, eighteen juridical days.

In the county of Bracken, on the first Monday in May and November, and to continue, each, for twelve juridical days.

In the county of Harrison, on the third Monday in May and November, and to continue, each, twelve juridical days.

In the county of Pendleton, on the first Monday in June and December, and to continue six juridical days, each term.

In the county of Campbell, on the second Monday in June and December, and to continue twelve juridical days, each term.

Mr. O. P. Hogan moved to amend said bill, to read as follows, viz:

In the county of Pendleton, on the first Monday in June, and continue twelve juridical days; on the first Monday in December, and continue six jurdicial days.

In the county of Campbell, on the third Monday in June, and second Monday in December, and continue twelve juridical days, at each term.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Munger, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	John W. Ritter,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
Wm. C. Bullock,	Alfred Johnston,	James M. Shepard,

Joshua Buster,	John W. Leathers,	Berry Smith,
Walter Chiles,	Thomas P. Linthicum,	Thos. J. Smith,
Sam. Daviess Delany,	Beriah Magoffin,	William Sterett,
John Eaker,	Hamilton Pope,	Daniel Waits—25.
Abijah Gilbert,		

In the negative—Fitch Munger.

Said bill was further amended.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid; and that the Public Printer print 150 copies of said bill for the use of the General Assembly.

A bill from the House of Representatives, entitled, an act to charter the city of Louisville, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be referred to the committee on the Judiciary, with instructions to report the same on Tuesday next, at 10 o'clock.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act concerning certain Magistrates' districts in Madison county.

An act to reduce into one the several acts regulating the town of Madisonville.

Ordered, That said bills be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, MARCH 17, 1851.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had

approved and signed enrolled bills, which originated in that House, of the following titles, viz:

An act to incorporate the Deposit Bank of Paris, Bourbon county.

Approved March 7, 1851.

An act to amend an act, entitled, an act to amend an act, entitled, an act to incorporate the Henderson and Nashville Railroad Company, approved March 4, 1850.

An act to extend the duties of Commissioners of Tax.

An act for the benefit of Riley McGuire.

An act to incorporate the Erodelphian Society of Cumberland College.

An act giving further time to the citizens of Whitley county to return plats of surveys on lands in said county.

An act to incorporate the Columbus Masonic Seminary, in Hickman county.

An act to amend the charter of the Maysville, Orangeburg, and Mount Carmel Turnpike road.

An act to amend an act to revive and amend an act to incorporate the Stanford and Lancaster Turnpike Road Company, approved March 7, 1850.

An act to apportion representation.

An act to change the time of holding the spring term of the Bracken Circuit Court.

An act to incorporate the Carrollton Library Society.

An act in relation to Flint Island School District, No. 5, in Breckinridge county.

Approved March 8, 1851.

An act to prevent the destruction of fish in Barebone creek, in Trimble county.

An act authorizing the election of officers of the Glasgow and Scottsville Turnpike Road.

An act to incorporate the Western Coal and Manufacturing Company.

An act to incorporate Hancock Mining Company.

Approved March 10, 1851.

An act to incorporate a Turnpike road from Germantown to Gault's Mill, on the North fork, in Mason county.

An act to amend an act, entitled, an act to incorporate the Literary Institution of St. Magdalen, approved December 19, 1839.

An act to incorporate the University of Paducah.

Approved March 11, 1851.

An act to incorporate the town of Mountsterling.

Approved March 12, 1851.

That they adhere to their amendment proposed to a bill from the Senate, entitled, an act to unite into one the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Shepherdsville Plank Road Company.

That they concur in the amendments proposed by the Senate, to bills from that House, of the following titles, viz:

An act regulating allowances to masters, auditors, and commissioners in chancery.

An act for the benefit of School District, No. 19, in Meade county.

An act to incorporate Owen Division, No. 220, Sons of Temperance, in Owenton, Owen county.

An act to amend an act, entitled, an act to incorporate the Nashville and Louisville Railroad Company, approved March 4, 1850.

An act to give to the Carroll County Court control of the State road in said county.

That they had passed bills from the Senate, of the following titles, viz:

An act providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein.

An act to provide for the payment of the debts now due, and for the further prosecution of the work on the Second Kentucky Lunatic Asylum, and to appoint Commissioners to visit the same.

An act to incorporate the Deposit Bank of Danville.

An act for the benefit of John G. Holloway.

An act in relation to the Goose Creek Turnpike Road, in Knox and Clay counties.

An act to incorporate the Springdale and Tollsburg Turnpike Road Company, in Mason and Lewis counties.

An act granting to the Marshal of Owenton, Owen county, the power and authority of a Constable.

An act to amend the charter of the city of Covington.

An act concerning the tax on licenses to coffee-houses, taverns, and ten pin alleys, in the city of Louisville and county of Jefferson.

An act changing an election precinct in Jefferson county.

An act for the benefit of the town of Russellville.

An act to amend an act, entitled, an act for the benefit of William Smith, of Laurel county, approved March 7, 1850.

An act to incorporate the Capital Hotel Company, in Frankfort.

An act to repeal the fifth section of an act, entitled, an act to amend the charter of the city of Louisville, approved March 5, 1850.

An act to define the original corners of the town of Boston, in Whitley county.

An act to incorporate the Burlington and Florence Turnpike Road Company.

An act authorizing an alley to be closed in the town of Portland.

An act to incorporate the Greenville Mansion Hotel Company.

An act to incorporate the Paint Lick Presbyterian Church, in Garrard county.

An act for the benefit of School District, No. 16, Kenton county.

An act to amend an act in relation to running and re-marking a part of the county line between Graves and Hickman counties.

An act to amend the charter of the town of Crittenden, in Grant county.

With amendments to the last two named bills.

That they had passed bills of the following titles, viz:

An act to amend the law regulating tolls on the Wilderness Turnpike Road.

An act to extend the limits of Independence, in Kenton county.

An act to amend the charter of the Versailles and Shryock's Ferry Turnpike Road Company.

An act to establish the town of Lovelaceville, in Ballard county.

An act providing for running and marking the line between Knox and Harlan counties.

An act to change the place of voting from Sulphur Well to James Carter's, in Jessamine county.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act to fix the salaries of certain officers.

2. An act regulating the distribution and re-investment, of the income of the funds set apart for Common School purposes.

3. An act for the benefit of Green Adams.

4. An act to abolish the office of President of the Board of Internal Improvement, and change the organization of said Board.

5. An act for the benefit of the Sheriff of Whitley county.

6. An act for the benefit of John M. Gallagher.

7. An act for the benefit of the Sheriff of Rockcastle county.

8. An act further to define the powers of the Trustees of Winchester, and extend the privileges of its citizens.

9. An act regulating the duties of the Clarke County Court, and the appointment of the County Treasurer.

10. An act to amend the acts incorporating the Paris, Winchester, and Kentucky River Turnpike Road Company, and to authorize a transfer to the same of the Winchester and Kentucky River Turnpike Road Company's effects, &c.

11. An act to incorporate the town of Raleigh, in Union county.

12. An act for the benefit of the mechanics of Muhlenburg county.

13. An act for the benefit of the mechanics of Pulaski county.

14. An act regulating the duties of the Christian County Court in laying the levy.

15. An act to establish the town of Woodsonville, in the county of Mason.

16. An act to amend the charter of the Falls City Insurance Company, approved February 20, 1851.

17. An act to incorporate Hancock Lodge, No. 115, in Hancock county.

18. An act to incorporate the Georgetown and Louisville Branch Railroad Company.

19. An act to amend the charter of the Lexington and Frankfort Railroad Company.

20. An act to amend an act incorporating the Newtown and Leesburg Turnpike Road Company.

21. An act to incorporate Springhill Lodge, No. 139, at Crab Orchard.

22. An act for the benefit of William T. Dudley, Clerk of the Fleming County Court

23. An act to amend an act, approved January 29, 1846, incorporating the town of Hillsboro', in Fleming county.

24. An act to incorporate the Winchester, Kiddville, and Mountsterling Turnpike Road Company.

25. An act fixing the period of Clerks and other officers listing their fee bills for collection in the present year.

26. An act providing for special terms of the County Courts.

27. An act providing for the collection, by the Sheriffs elected in May next, of the revenue of the present year.

28. An act to legalize the proceedings of the Bracken County Court at its October term, 1850.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to Messrs. Barbour, Patterson, Riley, Irwin, Marshall, Anderson, Ballard, Shepard, Young, and Leathers; the 2d to the committee on Education; the 3d, 5th, 6th, 7th, 22d, and 27th to the committee on Finance; the 4th, 10th, 18th, 20th, and 24th to the committee on Internal Improvement; the 8th, 11th, 15th, 16th, 17th, 19th, 21st, 25th, and 28th to the committee on the Judiciary; the 9th, 14th, and 26th to the committee on County Courts; the 12th and 13th to the committtee on Agriculture and Manufactures; and the 23d to the committee on Propositions and Grievances.

Mr. Pope presented the petition of Thomas B. Stevenson, praying the

passage of a law to allow him seven hundred and fifteen dollars sixty-three cents due him as late Clerk of the Penitentiary.

Which petition was received, the reading dispensed with, and referred to the committee on Finance.

On motion of Mr. O. P. Hogan, leave was given to bring in a bill to allow the Grant County Court to lay an additional levy for the year 1851.

Ordered, That Messrs. O. P. Hogan, Rouse, and Leathers, prepare and bring in said bill.

On motion of Mr. Pope,

Ordered, That leave of absence, for five days, be granted to Mr. Bullock.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, MARCH 16, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent,
Henry Pirtle, to be Chancellor of the Louisville Chancery Court.
Jesse Edmonston, to be Sheriff of Fulton county.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the running and re-marking the dividing line between Bath and Bourbon reported the same with an amendment, as a substitute for said bill.

Ordered, That said bill be placed in the orders of the day.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to incorporate the town of Lancaster, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the several Circuit Courts to change the venue in penal and criminal prosecutions, reported the same with amendments.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, when any indictment shall be depending in any of the circuit or criminal courts of this commonwealth, against any person or persons, charging him, her, or them, with any penal or criminal offense, the judge of said court shall have power and authority, upon the appplication of the defendant or defendants, to change the venue from the county where the indictment is found to some other county, where the defendant or defendants can obtain a fair and impartial trial.

§ 2. That if the said defendant or defendants shall swear to, and file an affidavit in the court where any such prosecution shall be depending, alledging therein, in substance, that he, she, or they, verily believe that, upon the trial of said prosecution, justice will not be extended to him, her, or them, in said court, in consequence of the prejudice that the judge of said court has against said defendant or defendants, or their case, it shall be the duty of said judge to change the venue or trial of said prosecution to the most convenient county, out of his circuit, where said judge shall believe that said defendant or defendants can have an impartial trial.

§ 3. That if any defendant or defendants to any of said indictments shall swear to, and file a petition in the court where the prosecution is depending, setting forth, in substance, that he, she, or they, verily believe that justice will not be administered impartially to him, her, or them, in said court where the indictment is found, from the prejudice of the citizens against said defendant, or from the undue influence that the prosecutor, or those managing the same, has in said county; or in consequence of the prejudice of the sheriff or clerk of said court; or in consequence of any other good and substantial cause shown, the judge of said court may, in his discretion, change the venue of said prosecution to some other convenient county within his circuit, where said cause or causes do not exist.

§ 4. That the judge who may order a change of venue of any prosecution, as provided in this act, to any other county or circuit, shall have power to direct the safe removal of the defendant or defendants, to the jail of the county where said change of venue is ordered, in case he, she, or they, shall then be in actual custody of the jailer of the county where the indictment is found; to be sent in custody of the sheriff or jailer of said county, with sufficient guard, as said court shall direct; and if said offense is bailable, and the party shall give bail, said court is authorized to take the recognizance of said defendant or defendants, with one or more good sureties, in such penalty as the court may fix, with condition that said defendant or defendants shall well and truly appear on such day of the succeeding term of the court where said prosecution shall be removed, as said court shall designate and fix; and shall surrender himself, herself, or themselves, into the custody of said court, and not depart until said court shall permit and direct.

§ 5. That said court shall have power and authority to take the recognizance of any or all witnesses on behalf of the commonwealth and the accused, to appear at said court where said prosecution shall be removed, to give their testimony; and also, to make all other orders that may be considered necessary to insure a fair, full, and speedy trial of said prosecution upon its merits.

§ 6. That when a criminal or penal prosecution shall be removed, as before directed, the clerk of the court shall forthwith transmit the original papers in said prosecution, together with a transcript of the record of the proceedings had in said court, to the court where said case shall have been removed, by himself, deputy, or some other discreet person; and said clerk shall be answerable for the fidelity of the person whom he may employ to convey said papers from his office to the office of the clerk of the court to which they shall be sent; and the expense attending the removal shall be paid by the person praying the same; and the clerk who shall convey, or cause to be conveyed, said papers to the court to which they shall be sent, shall and may receive five cents for each mile he must necessarily travel in going to, and returning from, said clerk's office; which shall be paid into the hands of the clerk of the court where said prosecution originated, before the papers shall be transmitted by him.

§ 7. That the court to whom said prosecution shall be sent shall have ample and complete jurisdiction of the same, as though the crime or offense had been perpetrated in said county, and the prosecution had commenced in said court; and to direct the impanneling a grand jury to find a new indictment, in case the original one should be found imperfect, or a *nolle prosequi* entered on behalf of the commonwealth.

One of the amendments reported by the committee, proposes to add to the third section of said bill the following proviso, viz:

Provided, however, That the said judge, before he grants a change of venue, as provided for in the first, second, and third sections of this act, shall, if demanded by any one opposed thereto, require proof, in open court, that good cause exists for the change of the venue for the reasons set forth in said sections; and the commonwealth's attorney, and in his absence from the county, the county attorney, shall have the right by proof, in open court, to show that no such cause exists; and if said judge, upon the proof, shall be of opinion that the cause for the change of venue does not exist, he shall refuse it, but if he be of opinion it does exist, he shall grant the change: *Provided, further*, that in all cases due notice of any application for a change of venue under the provisions of this act, shall be given by the party applying therefor to the commonwealth's attorney; and in his absence from the county, to the county attorney.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and Pope, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Beriah Magoffin,
Hall Anderson,	Elihu Hogan,	Robert A. Patterson,
Camden M. Ballard,	James W. Irwin,	Hamilton Pope,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John C. Kouns,	James M. Shepard,
Walter Chiles,	John W. Leathers,	Berry Smith,
John Eaker,	Thomas P. Linthicum,	Daniel Waits—21.

Those who voted in the negative, were

John P. Bruce,	Wm. N. Marshall,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John W. Riter,	William Sterett—7.
Overton P. Hogan,		

The remainder of the amendments reported by the committee were then concurred in, and said bill was further amended.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Linthicum, from the select committee to whom were referred the amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to regulate the election laws, reported the same without amendment.

The second section of the eighth article of said bill reads as follows, viz:

§ 2. Officers of elections *to be held in May and August next, and of the general biennial elections to be held on the first Monday in August*, shall receive pay as follows: judges, one dollar, each; sheriffs, one dollar, each; clerks, two dollars, each. In all elections to fill vacancies, the same fees, except that the clerk shall only receive one dollar; for comparing the returns of two or more counties in the election of a senator or representative, a sheriff shall receive two dollars, and one dollar and fifty cents for each twenty-five miles of travel in going and returning.

One of the amendments to said bill, proposed by the House of Representatives, is to strike out all that part of said section printed in italics.

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Sam. Daviess Delany,	Daniel Morgan,
Hall Anderson,	Richard C. Graves,	Hamilton Pope,
Camden M. Ballard,	Elihu Hogan,	James M. Shepard,
James P. Barbour,	James W. Irwin,	Berry Smith,
John P. Bruce,	Alfred Johnston,	William Sterett,
Joshua Buster,	John C. Kouns,	Daniel Waits—20.
Walter Chiles,	John W. Leathers,	

Those who voted in the negative, were

John Eaker,	Beriah Magoffin,	Thomas Rouse,
Abijah Gilbert,	Wm. N. Marshall,	Nathaniel P. Saunders,
Overton P. Hogan,	Robert A. Patterson,	Thomas J. Smith—11.
Thomas P. Linthicum,	John W. Ritter,	

Another amendment to said bill, proposed by the House of Representatives, is to strike out from the first to the sixteenth sections, inclusive, of the twelfth article, and insert in lieu thereof the following, viz:

§ 1. Any citizen of this state who shall vote in any precinct without having been a resident thereof for sixty days next preceding the election, or who shall vote twice at the same election, shall be fined, at the discretion of a jury, not less than fifty nor more than one hundred dollars; and, on failing to pay the fine and costs, may be imprisoned in the county jail till the fine and costs are paid: *Provided*, that he shall not be so imprisoned for a longer time than three months.

§ 2. Any non resident of this commonwealth who shall vote in this state, shall be subject to confinement in the penitentiary, for not less than one nor more than three years.

§ 3. Whoever shall vote in this state before having resided in the same two years, or in the county, town, or city, where the vote is given, one year, and also in the precinct where said vote is given, sixty days next preceding the election, or before being of the age of twenty-one years, shall be fined the sum of fifty dollars; and, on failing to pay the fine and costs, shall be imprisoned in the county jail thirty days.

§ 4. Whoever, not being a citizen of the United States, shall personate or offer to personate another, or who shall use or offer to use the naturalization papers of another, with the intention of giving an illegal vote, shall be imprisoned not more than six months, and fined not more than five hundred dollars; and whoever shall loan or hire out naturalization papers, with the intention of aiding another in giving an illegal vote, shall be subject to the same penalty.

§ 5. Whoever shall knowingly cause, aid, or assist another to give an illegal vote, shall be subject to the same pains and penalties that the person giving such vote is subject to by law; and whoever shall offer, promise, or give a bribe, in money or property, to any person for his vote, and whoever shall receive such bribe, shall be fined not less than one hundred nor more than five hundred dollars, and in default of payment, shall be confined in the county jail for a period not less than three nor more than six months.

§ 6. Whoever shall willfully and corruptly swear or affirm falsely under the provisions of this act, shall be subject to all the pains and penalties denounced by the laws of this state against willful and corrupt perjury.

§ 7. Any judge of an election who shall knowingly receive any illegal vote, or refuse to receive a legal vote, or any election officer who shall willfully neglect any duty prescribed by law, or who shall be guilty of any corrupt conduct in the execution of such office, shall be fined not less than fifty nor more than five hundred dollars; and on failing to pay the fine and costs, shall be imprisoned in the county jail one day for each two dollars of said fine and costs remaining unpaid.

§ 8. Whoever shall willfully refuse to testify as to the qualifications of any one offering to vote, when so required, as provided in this act, shall be fined fifty dollars.

§ 9. Any justice of the peace or judge of an election may issue a warrant for the apprehension of person charged with a violation of

the provisions of this act; upon which the same proceedings shall be had before two justices of the peace, and the defendant discharged or held to bail, as provided by law in other criminal and penal charges: *Provided*, that no warrant shall issue except upon the oath of the party making the charge.

§ 10. Every judge of an election, when he believes that any person is about to violate any of the provisions of this act, shall inform such person of the penalty for such violation; and it shall be the duty of all election officers to give information to the next grand jury of the county of any such violations; and every circuit judge shall give this act in special charge to each grand jury of his circuit.

§ 11. The circuit courts of the state shall have jurisdiction of all cases arising under this act, by presentment and indictment of a grand jury, as in other penal cases: *Provided*, that justices of the peace shall have concurrent jurisdiction with the circuit courts of all cases under this act, where the fine cannot exceed fifty dollars: *And, provided further*, that such cases shall be tried by a jury, and that the defendant shall have the right to appeal to the circuit court, by executing bond with good surety, conditioned according to law.

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	James M. Shepard,
Camden M. Ballard,	James W. Irwin,	Berry Smith,
James P. Barbour,	Alfred Johnston,	Thomas J. Smith,
John P. Bruce,	John C. Kouns,	William Sterett,
Joshua Buster,	John W. Leathers,	Daniel Waits—17.
John Eaker,	Camden Riley,	

Those who voted in the negative, were

Hall Anderson,	Beriah Magoffin,	Hamilton Pope,
Sam. Daviess Delany,	William N. Marshall,	John W. Ritter,
Elihu Hogan,	Daniel Morgan,	Thomas Rouse,
Overton P. Hogan,	Robert A. Patterson,	Nathaniel P. Saunders—13.
Thomas P. Linthicum,		

The remainder of the amendments proposed by the House of Representatives were then concurred in, with an amendment.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill providing the mode for the prosecution of slaves for felony.

By same—A bill to incorporate the Big Bone Hotel Company.

By Mr. O. P. Hogan, from a select committee—A bill to authorize the Grant County Court to lay an additional levy at their April or May term.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. O. P. Hogan, from the committee on County Courts, reported a bill to establish a levy and monthly County Court for Jefferson county, which was read the first time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be a levy county court for the county of Jefferson, held on the first Monday in every March, July, and November, and as much oftener as the same may be convened by order of its presiding judge, or of any three of its justices, entitled to set therein at the time.

1. The levy court shall have all the jurisdiction now held by the county court of Jefferson county, and which may hereafter be conferred on the county courts of the state, for the disposal of which a majority of the justices are, or may be required to be present, and shall have no other jurisdiction.

2. The judges of the court shall be the presiding judge, one justice from each justice of the peace district in the county—the justices from each district taking the duty annually in rotation—and if they cannot agree which shall serve the first year after their election, the presiding judge shall determine it by lot.

3. In case of a vacancy in the office of the justice whose year it is to serve, or if from any cause he cannot attend a levy court, the other justice from his district may act in his place.

4. A majority of the members of the court shall be a quorum for the transaction of any business, and a majority of the quorum necessary to any decision.

5. Each justice shall be entitled to two dollars a day for every day he attends the levy court, to be paid out of the county levy; but he shall not be paid for more than six days in any one year.

§ 2. That a monthly county court for said county shall be held on the second Monday of every month, and the said presiding judge shall be the sole judge thereof.

1. The monthly court shall have all the rest of the jurisdiction now belonging to the county court of Jefferson, or which may hereafter be conferred on the county courts of the state, in the exercise of which a majority of all the justices shall not be required.

2. It shall also have jurisdiction over the settlement of the accounts of personal representation, guardians, curators, and committees of lunatics and idiots; and the jurisdiction now held by the Louisville chancery court over any of those subjects, except by bill in chancery, is repealed.

3. It shall also have exclusive jurisdiction of all such civil suits, motions, or proceedings, of which the Jefferson circuit or the Louisville chancery court now has jurisdiction, where the debt or damages, sued for in virtue of any tort or contract, shall not exceed $100, exclusive of costs; and in all cases where the debt sued for, or the damages claimed, exceed fifty dollars, the complainant, or plaintiff, as the case may be, shall pay to the clerk of the court a tax of fifty cents, which

shall be accounted for and paid into the treasury, as other taxes are accounted for and paid into the treasury.

4. It shall also have exclusive jurisdiction for the trial of all appeals from a justice of the peace; of all traverses under writs of forcible entry and detainer, and of all writs of replevin upon distress warrants for writ, taken or sued out in each county. Replevy bonds, taken under distress warrants for writ, now returnable to the circuit court, shall be returned to, and proceeded upon from the clerk's office of said county court.

5. It shall be governed, in the exercise of the exclusive jurisdiction hereby given, by the law now governing therein the said circuit and chancery courts, except where the same would be plainly inapplicable to its peculiar structure.

6. Its regular terms shall begin the second Monday of every month, and end the Saturday next preceding the second Monday in the ensuing month.

7. All writs and motions, whether at law or in equity, the process in which has been served five days before the first day of a term, shall be triable at that term.

8. Its business shall be arranged on the dockets, and conducted, in all respects, as is or may be required by law in a circuit court, except that in appeals, which now go to the county court, no jury shall be allowed; and except, also, that a trial may be had by a jury of six, unless one of the parties demands a full jury of twelve. For a verdict by a jury of six, a jury fee of only two dollars shall be charged.

9. It may, by rule of court, limit to one hour the duration of any oral argument before court or jury, which shall not be revoked or suspended for the purpose of any particular case, unless so done before the argument has commenced.

10. The presiding judge may hold the court at any time, and instead of a continuance to the next term, may, in any case, adjourn its trial to a future day in the same term.

11. Its first term shall commence on the second Monday in June next, and any suit may be brought therein after the presiding judge and clerk of the court have qualified.

12. The presiding judge shall receive an annual salary of twelve hundred dollars. The city of Louisville shall, in quarterly payments, pay eight hundred dollars thereof, and the other four hundred dollars shall be paid by the county court of Jefferson out of the county levy.

13. Execution may issue five days after the rendition of judgment or decree.

§ 3. Appeals and writs of error shall lie from said levy and monthly courts direct to the court of appeals, except where an appeal or writ of error is now or may hereafter be expressly allowed, to the circuit court; and neither shall be allowed, except where the matter in controversy is over the value of twenty dollars, exclusive of costs.

§ 4. The presiding judge of said court shall not practice law whilst holding the office.

§ 5. The act, entitled, "an act to organize county courts in the several counties," passed at the present session of the general assembly, shall not apply to the county of Jefferson.

Ordered, That said bill be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Saunders and Buster, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
James P. Barbour,	Alfred Johnston,	James M. Shepard,
John P. Bruce,	John C. Kouns,	Berry Smith,
Walter Chiles,	Thomas P. Linthicum,	Thomas J. Smith,
Sam. Daviess Delany,	William N. Marshall,	William Sterett,
John Eaker,	Daniel Morgan,	Daniel Waits—20.
Abijah Gilbert,	Hamilton Pope,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Robert A. Patterson,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders—10
Richard C. Graves,		

Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act to prevent the destruction of fish in Floyd's fork.

An act to amend the charter of the Covington and Lexington Turnpike Road Company, and to incorporate the Georgetown and Dry Ridge Turnpike Road Company as a separate and independent Company.

Ordered, That said bills be read a second time.

The constitutional provision as to the second and third readings being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to unite into one the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Shepherdsville Plank Road Company, was taken up.

Resolved, That the Senate insist on their disagreement to said amendment; and that Messrs. Pope, Eaker, and Linthicum, be appointed a committee of conference on the part of the Senate, on the disagreement of the two houses on said bill; and that the House of Representatives be requested to appoint a similar committee on their part.

A bill to incorporate the Newport Safety Fund Bank of Kentucky, was taken up.

Ordered, That said bill be made the special order for Wednesday, the 19th inst.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled, an act to authorize the county of Bourbon to issue bonds, and to subscribe stock in the Covington and Lexington, and in the Maysville and Lexington Railroad Companies.

Mr. E. Hogan moved to amend said bill, by adding thereto the following, viz:

Be it further enacted, That the charter of the Covington and Lexington railroad company, be and the same is hereby so amended as to authorize said railroad company to construct a railroad, to run on a direct route, from the city of Lexington to Cynthiana, in Harrison county; and the said company, in the construction of said railroad, shall have all the rights, privileges, and immunities, that they now have in the said charter of the Covington and Lexington railroad; and when constructed, to be a branch of the Covington and Lexington railroad.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. E. Hogan and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Elihu Hogan,	Daniel Morgan,	Hamilton Pope—3.

Those who voted in the negative, were

Mr. Speaker (Grey,)	James W. Irwin,	Robert A. Patterson,
Hall Anderson,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	James M. Shepard,
Sam. Daviess Delany,	John W. Leathers,	Berry Smith,
John Eaker,	Thomas P. Linthicum,	Thomas J. Smith,
Abijah Gilbert,	Beriah Magoffin,	William Sterett,
Overton P. Hogan,	William N. Marshall,	Daniel Waits—21.

Said bill was amended.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. Hogan and Shepard, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	Hamilton Pope,
James P. Barbour,	John C. Kouns,	Camden Riley,
John P. Bruce,	John W. Leathers,	James M. Shepard,
Sam. Daviess Delany,	Thomas P. Linthicum,	Berry Smith,
John Eaker,	Beriah Magoffin,	Thomas J. Smith,

Abijah Gilbert, William N. Marshall, William Sterett,
Overton P. Hogan, Daniel Morgan, Daniel Waits—23.
James W. Irwin, Robert A. Patterson,

Those who voted in the negative, were

Elihu Hogan, Thomas Rouse—2.

Resolved, That the title of said bill be as aforesaid.

A bill for the benefit of the mechanics of Hardin county, was taken up.

Said bill was amended, to read as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the carpenters, joiners, brick-masons, stone-masons, plasterers, turners, painters, brick-makers, lumber-merchants, and all others performing labor or furnishing materials for the construction or repairing of any building within this state, shall have a lien, to the extent of their respective interests, upon the building they may construct or repair, or towards the construction or repairing of which they may have furnished materials; and also upon the lot or tract of land upon which said building is situate; which lien shall extend to the interest of the employer or employers in and to such building and lot or land.

§ 2. That if such employer or employers hold or claim by executory contract, and for any cause whatever such executory contract shall be set aside or rescinded, the lien herein given shall continue, so far as the person or persons, to whom the estate may come, or with whom it may remain by reason of such recision or setting aside, shall be made richer by such building, repairing, or materials furnished.

§ 3. That where the employer or employers shall, by judgment at law or decree in equity, be evicted from the premises, and shall, by the rules of law or equity, be entitled to compensation from the successful claimant for improvements made on the premises, the person or persons who, under the provisions of this act, have liens as against such employer or employers, shall, to the extent of their liens, respectively be substituted for the person evicted, and recover compensation from the successful claimant, so far as, by law or equity, such claimant is bound to make compensation to the person evicted.

§ 4. That the lien herein declared shall exist against private corporations, private *quasi* corporations and societies, or trustees holding estates for chairitable uses, whether the building, repairing, or furnishing materials shall be done or furnished at the request of such corporation, *quasi* corporation, or trustees, or by their servants or agents, authorized by parol or otherwise.

§ 5. That all and every person or persons claiming a lien in virtue of this act, shall, within six months after the completion of the building, or repairing or furnishing materials, or within six months after the cessation of work thereon, by order of him, her, or them, against whom the lien is sought to be enforced, file in the clerk's office of the county court, in the county where the work was done, or materials furnished, his, her, or their accounts, specifying the lien claimed by him, her, or them, which shall operate as notice to the world of such lien; and that no lien shall exist in favor of any person or persons, in virtue of this act, who shall not have filed such account within the time aforesaid, or proceeded by

suit to enforce said lien; in which latter case, the *lis pendens* shall be construed to commence from the time of filing the bill.

§ 6. That the rules of equity for the time being, for the enforcement of liens and the settlement of priorities, shall govern in cases arising under this act, both as to all persons claiming liens in virtue thereof and other claimants.

§ 7. That the provisions of this act shall not apply to any county, city, or town, that have been provided for heretofore by an act or acts similar in their provisions to this act: *Provided*, that the provisions of this act shall not apply to the counties of Kenton, Grant, and Taylor.

Mr. Graves moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Daniel Morgan,
Hall Anderson,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Thomas J. Smith,
Joshua Buster,	John W. Leathers,	Daniel Waits—14.
Richard C. Graves,	William N. Marshall,	

Those who voted in the negative, were

John P. Bruce,	Alfred Johnston,	Camden Riley,
Sam. Daviess Delany,	Thomas P. Linthicum,	Nathaniel P. Saunders,
John Eaker,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	Robert A. Patterson,	William Sterett—14.
Elihu Hogan,	Hamilton Pope,	

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the negative; so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Graves and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Thomas P. Linthicum,	Berry Smith,
John P. Bruce,	Beriah Magoffin,	Thomas J. Smith,
Sam. Daviess Delany,	Daniel Morgan,	William Sterett—11.
Elihu Hogan,	Nathaniel P. Saunders,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	William N. Marshall,
Hall Anderson,	Overton P. Hogan,	Robert A. Patterson,
James P. Barbour,	James W. Irwin,	Camden Riley,
Joshua Buster,	Alfred Johnston,	Thomas Rouse,
John Eaker,	John C. Kouns,	Daniel Waits—17.
Abijah Gilbert,	John W. Leathers,	

A bill to provide for a geological survey of the State, came up in the orders of the day.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Executive of this Commonwealth, be and he is hereby authorized to employ a geologist: *Provided*, the same can be employed, (all expenses included,) for the sum of three thousand dollars per annum.

§ 2. That the sum of three thousand dollars per annum, be and the same is hereby appropriated to pay said geologist, to be paid out of any money in the treasury not otherwise appropriated.

§ 3. That in the event the Executive shall be able to employ a competent geologist, according to the provisions of this act, he shall direct said officer to commence a survey of the State in such manner as he shall deem most advisable for the public interest.

Mr. Gilbert moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	William N. Marshall,
Hall Anderson,	Overton P. Hogan,	Camden Riley,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	John W. Leathers,	William Sterett—17.
Abijah Gilbert,	Thomas P. Linthicum,	

Those who voted in the negative, were

John P. Bruce,	James W. Irwin,	Hamilton Pope,
Sam. Daviess Delany,	Beriah Magoffin,	Berry Smith,
John Eaker,	Daniel Morgan,	Daniel Waits—11.
Elihu Hogan,	Robert A. Patterson,	

A message was received from the House of Representatives, announcing that they had adopted a resolution fixing a day for the adjournment of the General Assembly.

Said resolution was taken up, and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That on the 24th day of March, 1851, when the Senate and House of Representatives shall adjourn, such adjournment shall be without day.

Mr. Graves moved to postpone the further consideration of said resolution until Saturday, the 22d inst.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Thomas Rouse,
Camden M. Ballard,	James W. Irwin,	James M. Shepard,
Walter Chiles,	John C. Kouns,	Thomas J. Smith,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett—13.
Richard C. Graves,		

Those who voted in the negative, were

Hall Anderson,	Overton P. Hogan,	Daniel Morgan,
James P. Barbour,	Alfred Johnston,	Robert A. Patterson,
John P. Bruce,	John W. Leathers,	Camden Riley,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
John Eaker,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	William N. Marshall,	Daniel Waits—18.

Mr. Patterson moved the previous question.

And the question being taken—"shall the main question be now put?" it was decided in the affirmative.

The main question was then put—"shall said resolution be concurred in?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Robert A. Patterson,
Hall Anderson,	Overton P. Hogan,	Hamilton Pope,
Camden M. Ballard,	James W. Irwin,	Camden Riley,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	John W. Leathers,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Thos. J. Smith,
John Eaker,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Daniel Morgan,	Daniel Waits—31.
Richard C. Graves,		

In the negative—none.

Mr. Pope read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the code of criminal law prepared by the Hon. S. S. Nicholas, and reported by the select committee of the Senate, be referred to the commissioners elected by the General Assembly to simplify the practice; and that the Clerk of the Senate cause to bedelivered to them a copy of this resolution.

The rule of the Senate requiring a joint resolution to lie one day on the table, being dispensed with, said resolution was taken up, twice read, and adopted.

A resolution directing the Commissioners of the Sinking Fund to pay into the Treasury the January instalment of interest due on the school bonds, came up in the orders of the day.

Ordered, That the further consideration of said resolution be postponed until Friday, the 21st inst.

Mr. Riley moved the following resolution, viz:

Resolved, That the Second Auditor furnish the General Assembly with estimates of the aggregate receipts and expenditures of the Treasury for the enusing year; and if he shall be of opinion that a deficiency will exist in the Treasury to meet the demands upon it, he shall report the necessary increase of taxation to supply said deficiency.

Mr. O. P. Hogan moved to amend said resolution, by substituting in lieu thereof the following, viz:

Whereas, there has occurred a defalcation in the Treasury to the amount of $52,217, and also, a defalcation in the Old Bank of Kentucky, to the amount of about $30,000, which is an entire loss to the revenue of the State of Kentucky—therefore,

Resolved, That the Second Auditor be requested to inform the Senate whether or not he has taken any steps to recover those defalcations by suit? if so, what prospect there is to recover any portion of defalcations? and that he report to the Senate the amount that the Treasury will be in deficit at the end of the present fiscal year, and what amount it will be necessary to increase the tax upon the one hundred dollars worth of taxable property to meet the deficiency in the ordinary and current expenses for the years 1851 and 1852.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Beriah Magoffin,
Camden M. Ballard,	Alfred Johnston,	William N. Marshall,
James P. Barbour,	John C. Kouns,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Elihu Hogan.	Camden Riley,
John P. Bruce,	James W. Irwin,	John W. Ritter,
Joshua Buster,	Thomas P. Linthicum,	James M. Shepard,
Walter Chiles,	Daniel Morgan,	Berry Smith,
John Eaker,	Robert A. Patterson,	William Sterett,
Abijah Gilbert,	Hamilton Pope,	Daniel Waits—19.
Richard C. Graves,		

Said resolution was then adopted.

Mr. Leathers moved the following resolution, viz:

Resolved, That the committee on County Courts be instructed to bring in a bill providing for the delivery of the law books now in the possession of Justices of the Peace, belonging to the State, to the Justices of the Peace who may be elected in May next; also, for the delivery of the records belonging to Justices of the Peace now in office to those who may succeed them after the May election.

Which was adopted.

And then the Senate adjourned.

TUESDAY, MARCH 18, 1851.

A message was received from the House of Representatives, announcing that they recede from their amendments proposed to a bill from the Senate, entitled, an act to equalize the compensation for the collection of the revenue tax.

That they had passed a bill from the Senate, entitled, an act to revise the Statutes, with amendments.

That they had passed bills of the following titles, viz:

An act better to define the duties of the Keeper of the Penitentiary.

An act concerning Justices' and Constables' districts, in Fleming county.

An act granting the right of way and corporate privileges to the Clarksville and Hopkinsville Turnpike Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled,

An act to incorporate the Burlington and Florence Turnpike Road Company.

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

Mr. Barbour, from a select committee, made the following report, viz:

The joint committee to whom was referred the following joint resolution, viz:

"*Resolved by the General Assembly of the Commonwealth of Kentucky*, That a committee of five on the part of the House of Representatives, and three on the part of the Senate, be appointed, whose duty it shall be to inquire into the expediency of removing the seat of Government from Frankfort to Louisville, or some other place; and to inquire, by correspondence or otherwise, as to the terms which can be made for the remov-

al of the same to said city of Louisville; and what would be the cost or charges to the Commonwealth of Kentucky."

Have had that subject under consideration, and beg leave to report that they consider it expedient, and advisable, and proper, that the location of the seat of Government of this Commonwealth should be changed from the city of Frankfort to some other more convenient and acceptable point, which would accommodate a large majority of the citizens of this Commonwealth, as the population of the same now exists. Your committee are aware that the contemplated removal, if carried out, will inflict serious injury upon the numerous worthy and hospitable citizens and property holders in the city of Frankfort; but deem the manifest interest of the State at large should be considered of paramount importance to that of a mere locality.

Your committee believe that the time has come to have this vexed question settled, both for the advantage of the people of this Commonwealth, and the citizens of Frankfort, at the commencement of a new and important era in the history of the Commonwealth.

Your committee received and considered propositions upon the contemplated removal from the towns of Danville, Harrodsburg, and Bardstown, made through their representatives, but not, as your committee understand, issuing in regular form from the constituted authorities of said towns, and therefore presume it unnecessary to state the substance of those propositions.

Your committee have also received a proposition from the city of Louisville, and taking into consideration the location, and the acceptibility of that city from the various portions of the State of Kentucky, and the liberal proposition made by the Mayor and Council of the city to the State, in case a removal shall be effected, your committee are of opinion that the city of Louisville should be the seat of Government of this Commonwealth.

The Mayor and Council of the city of Louisville proposed and promised to your committee, that in the event the seat of Government shall be removed by an act of the present General Assembly from Frankfort to the city of Louisville, to finish, on or before the 1st day of September next, in a suitable and appropriate style, at the *exclusive charge of the city*, the several apartments necessary for the accommodation of the Legislature, the courts and several offices at the seat of Government, in the stone edifice known as the new court house, situated on Jefferson street, between fifth and sixth streets, and cause to be made to the State of Kentucky a clear and unincumbered conveyance of the ground upon which said edifice is erected and its appendages, with a proviso, that if the seat of Government shall ever be removed from the city of Louisville, the title to said ground and improvements thereon shall revert to, and be reinvested in the city of Louisville, &c. The property proposed to be conveyed by the city of Louisville is estimated to be worth the sum of ($400,000) four hundred thousand dollars, and the whole proposition is identical with the one made by the city authorities of Louisville in the year 1842, and entered of record in the Journal of the House of Representatives of that year, to which for greater accuracy reference is here made. All of which is respectfully submitted.

HIRAM KLETTE, *Chairman of H. R. com.*
JAS. P. BARBOUR, *Chairman of Senate com.*

Mr. Graves moved to lay said report on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gilbert and Barbour, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	John W. Ritter,
Hall Anderson,	John C. Kouns,	James M. Shepard,
Joshua Buster,	John W. Leathers,	Berry Smith,
Richard C. Graves,	Wm. N. Marshall,	Daniel Waits—14.
Elihu Hogan,	Daniel Morgan,	

Those who voted in the negative, were

Camden M. Ballard,	James W. Irwin,	Camden Riley,
James P. Barbour,	Alfred Johnston,	Nathaniel P. Saunders,
John P. Bruce,	Thomas P. Linthicum,	Thomas J. Smith,
John Eaker,	Robert A. Patterson,	William Sterett,
Abijah Gilbert,	Hamilton Pope,	Caleb B. Wallace—15.

Mr. Leathers moved the previous question.

And the question being taken—"shall the main question be now put?' it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	John W. Leathers,	James M. Shepard,
John P. Bruce,	Thomas P. Linthicum,	Berry Smith,
Joshua Buster,	Wm. N. Marshall,	Thomas J. Smith,
Richard C. Graves,	Daniel Morgan,	Daniel Waits—18.

Those who voted in the negative, were

James P. Barbour,	James W. Irwin,	Camden Riley,
Walter Chiles,	Alfred Johnston,	Nathaniel P. Saunders,
John Eaker,	John C. Kouns,	William Sterett,
Abijah Gilbert,	Robert A. Patterson,	Caleb B. Wallace—12.

The main question was then put—"shall said report be adopted?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barbour and Wallace, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Thomas P. Linthicum,	Nathaniel P. Saunders,
James P. Barbour,	Robert A. Patterson,	Thomas J. Smith,
John Eaker,	Hamilton Pope,	William Sterett,
James W. Irwin,	Camden Riley,	Caleb B. Wallace—14.
Alfred Johnston,	Robert S. Russell,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Daniel Morgan,
Hall Anderson,	Elihu Hogan,	John W. Ritter,
John P. Bruce,	Overton P. Hogan,	Thomas Rouse,
Joshua Buster,	John C. Kouns,	Berry Smith,
Walter Chiles,	John W. Leathers,	Daniel Waits—17.
Abijah Gilbert,	William N. Marshall,	

On motion of Bruce,

Ordered, That Mr. Patterson be added to the committee on Internal Improvement.

On motion of Mr. Russell, leave was given to bring in a bill in relation to the Seminary fund in Butler county.

Ordered, That the committee on the Judiciary prepare and bring in said bill.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, MARCH 18, 1851.

Gentlemen of the Senate:

I nominate, for your advice and consent,

William C. Sympson, to be Sheriff of Clarke county, in the place of P. Bush, resigned—to take effect on the 4th Monday in April.

R. D. Hayman, Mayor of the city of Newport.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

Mr. O. P. Hogan, from the committee on County Courts, to whom was referred a resolution of inquiry into the expediency of regulating the fees of Clerks, Sheriffs, &c., asked to be discharged from the further consideration thereof, which was granted.

Mr. O. P. Hogan, from the same committee, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act regulating the duties of the Clarke County Court, and the appointment of the County Treasurer.

An act regulating the duties of the Christian County Court in laying the levy.

An act providing for special terms of the County Courts.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Morgan, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, approved January 29, 1846, incorporating the town of Hillsboro', in Fleming county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Internal Improvement, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act to amend an act, entitled, an act to incorporate the Maysville, Orangeburg, and Mount Carmel Turnpike Road Company.

An act to incorporate the Winchester, Kiddville, and Mountsterling Turnpike Road Company.

An act to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Company.

An act to amend the acts incorporating the Paris, Winchester, and Kentucky River Turnpike Road Company, and to authorize a transfer to the same of the Winchester and Kentucky River Turnpike Road Company's effects, &c.

An act to amend an act incorporating the Newtown and Leesburg Turnpike Road Company.

An act to incorporate the Georgetown and Louisville Branch Railroad Company.

An act to amend an act, entitled, an act to incorporate the Sardis Turnpike Road Company, approved March 1, 1848.

An act to authorize the people of Logan county to tax themselves, to assist in making the Louisville and Nashville Railroad, and for other Internal Improvements.

Reported the same, with an amendment to the last named bill, which was concurred in.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Green Adams.

An act for the benefit of the Sheriff of Whitley county.

An act for the benefit of the Sheriff of Rockcastle county.

An act to allow John A. Hunt, of Laurel county, to vend goods, wares, and merchandise, without license.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Francis McCauley, reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

Mr. Chiles, from the same committee, to whom was referred leave to bring in a bill authorizing the purchase of Milne and Bruder's new map of Kentucky; also, leave to bring in a bill for the benefit of the Deaf and Dumb Asylum at Danville, asked to be discharged from the further consideration thereof, which was granted.

Mr. Chiles, from the same committee, made the following report, viz:

The committee on Finance, to whom was referred the petition of Thomas S. Theobald, praying the payment of a claim against the Commonwealth of Kentucky for the sum of $1,635 89½ cents, with interest from the 1st day of March, 1844, beg leave to report that said claim has been fully investigated by a majority of said committee, and they are equally divided in opinion in relation to the merits of said petition, and the manner in which the same should be disposed of.

Messrs. Anderson and Riley consider that said petition is unreasonable, because of the injustice of the claim, and recommend its rejection.

The Chairman and Mr. Eaker are of opinion that the petition is reasonable in part, and that the prayer thereof to that extent should be granted by the Legislature. They base that opinion upon facts appearing in a record, with which the committee was furnished, and which accompanies the petition, and to which the Senate is specially referred. From that record, it appears that two suits were some time since instituted in the General Court of Kentucky, by the Attorney General, in the name of the Commonwealth, against said Theobald and his securities, upon bonds which had been executed by him to said Commonwealth, as late Keeper of the Kentucky Penitentiary.

These suits were instituted under and by virtue of an act of the Legislature of this State, authorizing and directing the same to be done—the principal object of which were to effect a settlement of the accounts of said Theobald as Keeper of said Penitentiary—concerning which there was and had been a controversy between said Theobald and some of the agents and public functionaries of the Commonwealth.

Under said judicial proceeding in the General Court, a Commissioner

was appointed to audit and settle said accounts, and he reported a *balance* as due from the State to Theobald; and at the February term, 1849, of said Court, a decree was pronounced in favor of Theobald for the sum of $1,635 89½ cents. To said decree a writ of error was prosecuted to the appellate court of this State, where the same was duly affirmed.

The accounts having thus been settled by judicial determination, and the *balance* above specified having been ascertained as due to Theobald, these two members of the committee did not feel authorized to reject the claim prescribed by the petition, or to say the same was unjust or unreasonable. They suppose that said determination of the court is conclusive, in favor of the claim, and think that the same should be allowed. They are unhesitatingly of opinion that a bill should be passed providing for the payment to Theobald of said sum of $1,635 89½ cents, as well as the further sum of $31 23 cents, which appears from said record to have been expended by said Theobald in the defense of said suits.

Theobald also claims interest on this sum of $1,635 89½ cents, which he thinks should be allowed him; but as it has not been customary in Kentucky to allow interest on said claims, we have not deemed it necessary to express any opinion on this point. We can assign no *good reason* why interest should not be allowed, if the claim is just. But the same may be said of numerous other claims, which have heretofore been passed upon by the Legislature, where interest has been refused.

The committee being thus equally divided in opinion upon the subject matter of this petition, have felt it their duty to report the facts to the Senate, leaving the case entirely to their decision; and will cheerfully abide the result of such decision, and comply with such instructions in the premises as the Senate may be pleased to give, in view of all the facts and circumstances of the case.

All of which is respectfully submitted.

WALTER CHILES,
Chairman of Committee on Finance.

Mr. Eaker, from the same committee, to whom was referred the petition of sundry citizens, praying the passage of a law to allow "Coffeen's Chinese Liniment" to be sold without tax, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Eaker, from the same committee, to whom was referred a bill to amend the revenue laws, reported the same with amendments.

Mr. O. P. Hogan moved to lay said bill and amendments on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Marshall, were as follows, viz:

Mr. Irwin, from the same committee, reported a bill for the benefit of James W. and John F. First, of Logan county, which was read the first time, as follows, viz:

Whereas, it has been represented to this General Assembly that J. W. First and John F. First, have been greatly injured by the overflow of water from Lock and Dam, No. 3, on Green river: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kntucky, That the Second Auditor is hereby authorized to draw his warrant on the Treasury for the sum of nine hundred dollars, in favor of J. W. and Jchn F. First, which shall be paid out of any money in the Treasury not otherwise appropriated.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading being dispensed with,

Mr. Marshall moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	Camden Riley,
Camden M. Ballard,	John C. Kouns,	John W. Ritter,
James P. Barbour,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Beriah Magoffin,	Berry Smith,
Overton P. Hogan,	William N. Marshall,	William Sterett—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Robert A. Patterson,
John P. Bruce,	Richard C. Graves,	Hamilton Pope,
Walter Chiles,	Elihu Hogan,	James M. Shepard,
John Eaker,	James W. Irwin,	Thomas J. Smith—12.

Mr. Wallace, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of certain Common School Districts in Henderson, Henry, and Monroe counties, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the committee on Agriculture and Manufactures, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the mechanics of Pulaski county.

An act for the benefit of the mechanics of Muhlenburg county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. O. P. Hogan, from a select committee, reported a bill to provide for the election of master commissioners, which was read the first time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a master commissioner, for each county in this commonwealth, shall, on the first Monday in August, 1851, and every second year thereafter, be elected by the qualified voters therein, at the same places and under the same rules and regulations that govern the election of presiding judge of the county court, and who shall hold his office for the term of two years, and until his successor be duly elected and qualified.

§ 2. That whenever a vacancy shall occur in the office of master commissioner, by death, resignation, or otherwise, the judge of the circuit court shall appoint a suitable person to act as such until the succeeding August election, at which time an election shall be held to fill the unexpired term.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading being dispensed with,

Mr. Graves moved to lay said bill on the table.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Camden Riley,
James P. Barbour,	Alfred Johnston,	James M. Shepard,
John P. Bruce,	Thomas P. Linthicum,	Berry Smith,
Joshua Buster,	Beriah Magoffin,	Thomas J. Smith,
Abijah Gilbert,	Daniel Morgan,	William Sterett,
Richard C. Graves,	Hamilton Pope,	Daniel Waits—18.

Those who voted in the negative, were

Camden M. Ballard,	John C. Kouns,	Robert A. Patterson,
Sam. Daviess Delany,	John W. Leathers,	Thomas Rouse,
John Eaker,	William N. Marshall,	Nathaniel P. Saunders—10.
Overton P. Hogan,		

Mr. Pope, from the joint committee of conference, on the disagreement of the two Houses on the amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act to unite into one

the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Shepherdsville Plank Road Company, made a report, which was concurred in.

The following bills were reported, viz:

By Mr. O. P. Hogan, from the committee on County Courts—A bill to amend an act, entitled, an act to organize County Courts in the several counties, approved March 11, 1851.

By Mr. Bruce, from the committee on Internal Improvement—a bill to incorporate the Mississippi and Nashville Railroad Company.

By same—a bill to authorize the county of Mercer, and the county of Boyle, to subscribe stock in Railroads, and other roads within said counties.

By same—A bill to incorporate the Newport and Licking Turnpike and Plank Road Company.

By same—A bill prescribing the means and mode of opening and working roads in the county of Boone.

By Mr. Chiles, from the committee on Finance—A bill for the benefit of the Sheriff of Knox county.

By same—A bill to reduce into one the several acts concerning Peddlers, and fixing the amount of tax to be paid by them.

By Mr. Eaker, from the same committee—A bill in relation to the revenue.

By Mr. Magoffin, from a select committee—a bill to incorporate the Lexington, Harrodsburg, and Bowlinggreen Railroad Company.

By Mr. Marshall, from the committee on Military Affairs—A bill for the benefit of A. W. Hamilton, and his securities, in a bond for public arms.

By same—A bill for the benefit of George J. Stockton, and his securities, in two bonds for public arms.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The amendments proposed by the House of Representatives to bills from the Senate, of the following titles, viz:

An act to revise the Statutes.

An act to amend an act in relation to running and re-marking a part of the county line between Graves and Hickman counties.

An act to amend the charter of the town of Crittenden, in Grant county.

Were taken up, twice read, and concurred in.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz :

1. An act to amend the law regulating tolls on the Wilderness Turnpike Road.

2. An act to extend the limits of Independence, in Kenton county.

3. An act to amend the charter of the Versailles and Shryock's Ferry Turnpike Road Company.

4. An act to establish the town of Lovelaceville, in Ballard county.

5. An act to change the place of voting from Sulphur Well to James Carter's, in Jessamine county.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with—the 1st was referred to the committee on Internal Improvement; the 2d and 4th to the committee on the Judiciary; and the 3d and 5th were ordered to be read a third time.

The constitutional provision as to the third reading of the 3d and 5th bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act providing for running and marking the line between Knox and Harlan counties, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with, said bill was amended.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Irwin moved the following resolution, viz :

Resolved, That the Clerk of the Senate be and he is hereby authorized to employ as many clerks as may be sufficient to engross and enroll all the bills in his hands, so as to be prepared to adjourn on Monday next.

Which was adopted.

Mr. Graves moved the following resolution, viz :

Resolved, That the committee on Education be directed to prepare and bring in a bill to define and further provide the duties of the Superintendent of Public Instruction.

Which was adopted.

Mr. Patterson, at half past 3 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Leathers, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Hamilton Pope,
Walter Chiles,	Alfred Johnston,	John W. Ritter,
Sam. Daviess Delany,	William N. Marshall,	James M. Shepard,
John Eaker,	Daniel Morgan,	Berry Smith,
Abijah Gilbert,	Robert A. Patterson,	William Sterett—16.
Overton P. Hogan,		

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	Nathaniel P. Saunders,
James P. Barbour,	John W. Leathers,	Thomas J. Smith,
Joshua Buster,	Thomas P. Linthicum,	Daniel Waits,
Richard C. Graves,	Beriah Magoffin,	Caleb B. Wallace—14.
Elihu Hogan,	Thomas Rouse,	

WEDNESDAY, MARCH 19, 1851.

A message was received from the House of Representatives, announcing their concurrence in the amendment of the Senate, to the amendments proposed by that House, to a bill from the Senate, entitled, an act to regulate the election laws.

That they had passed bills from the Senate, of the following titles, viz:

An act allowing to the county of Warren an additional district, for the election of Justices of the Peace and Constables.

An act to change the lines of a Magistrates' and Constable's district in Boone county.

An act to fix the time of holding Circuit Courts in this Commonwealth.

An act to change the place of voting in the 5th district, in Nicholas county.

An act defining the boundaries of the Magistrates' and Constables' districts in Pulaski county.

An act to authorize the County Courts of Logan and Simpson to sub-

scribe stock in the Louisville and Nashville Railroad Company, or in such Railroad Company as may pass through said counties.

With amendments to the last five named bills.

That they had passed bills of the following titles, viz:

1. An act to extend the limits of Magistrates' and Constable's district, No. 7, in Knox county.

2. An act to establish the July term of the Wayne County Court.

3. An act concerning Magistrates' and Constables' districts.

4. An act concerning Justices' and Constables' districts in Monroe county.

5. An act to change the line between districts Nos. 2 and 3, in Mercer county.

6. An act changing the boundary of Justices' district No. 6, in Marion county.

7. An act to amend the Justices' district of Lewisburg, in the county of Mason.

8. An act to change a voting place and certain Magistrates' and Constables' districts in Ohio county.

9. An act to change the boundary and place of voting in certain Magistrates' and Constables' districts in Shelby county, and to provide for changing the voting place in district No. 5, in Hopkins county.

10. An act to change certain districts in Spencer county.

11. An act to change the Justices' districts in Muhlenburg county, and to establish an election precinct.

12. An act to alter certain districts in Barren county.

13. An act making Lafayette, in Christian county, a place of voting.

14. An act concerning certain Magistrates' and Constables' districts in Lewis county.

15. An act to change the places of voting in district No. 3, in Simpson county; in district No. 5, in Woodford county; in district No. 8, in Breckinridge county; and in district No. 6, in Henderson county.

16. An act concerning districts for the election of Justices of the Peace and Constables, to authorize the establishment of an additional district, and to change a place of voting in one district in Caldwell county.

17. An act authorizing a change of the voting place in district No. 3, in Trimble county.

18. An act establishing certain voting places in Harrison county.

19. An act establishing certain voting places in Harrison county.

20. An act to appoint Commissioners to change the boundaries of certain Magistrates' and Constables' districts in Owen county.

21. An act to change the boundaries of, and place of voting in Mag-

istrates' and Constable's district No. 2, in Scott county, and the voting place of district No. 2, in Grant county.

22. An act for the benefit of school districts in Cumberland county.

23. An act to establish an additional Magistrates' and Constable's district in Nelson county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 21st, 22d, and 23d were amended.

Ordered, That each of said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the title of the 23d bill be amended, by adding, "and to extend the boundaries of district No. 6."

The Speaker laid before the Senate a communication from the Second Auditor, which is as follows, viz:

REVENUE DEPARTMENT,
AUDITOR'S OFFICE, FRANKFORT,
March 19th, 1851.

Hon. BEN. EDWARDS GREY,
Speaker of the Senate:

SIR: In answer to the following resolution:

"*Resolved*, That the Second Auditor furnish the General Assembly with esti-
"mates of the aggregate receipts and expenditures of the Treasury for the ensu-
"ing year, and if he shall be of opinion that a deficiency will exist in the Treasu-
"ry, to meet the demands upon it, he shall report the necessary increase of taxa-
"tion to supply said deficiency;"

I would respectfully state, that upon a review of the supposed receipts and expenditures, as contained in the Second Auditor's report for the fiscal year ending on the 10th day of October, 1851, (Statements Nos. 8 and 9,) leaving a balance in the Treasury of $3,009 01, on the 10th day of October, 1851—which statement, I think, would have been nearly correct, but for the changes which have taken place during the present session of the Legislature, and which could not have been anticipated by me. From the best information I now have, the following will be the additional charges upon the Treasury, to-wit:

Appropriation made to the Second Lunatic Asylum,	$ 35,000 00
School interest paid on orders of Superintendent of Public Instruction, under the act of December session, 1849.	33,506 75
Amount yet due upon orders of the Superintendent of Public Instruction, and special acts of Assembly,	20,000 00
Contingent expenses of school fund, including the salary of the Superintendent, and old orders not called for, about	4,000 00
Additional expenses of the Legislature, if they adjourn the 24th inst.,	10,500 00
Contingencies, printing, &c., about	3,000 00
In all,	$ 106,006 75

Amount brought forward,	$ 106,006 75
Deduct supposed balance, as before stated,	3,009 01
Leaving the sum to be raised,	$ 102,997 74
The interest on this sum for one year will be	6,179 86
Total to be provided for,	$ 109,177 60

In making this calculation, I may have stated the account of "Contingencies, Printing, &c.," too great, but there is no doubt some small amounts properly chargeable here, have been omitted, therefore, I think the sum total may be relied on as being about correct.

It is supposed the valuation of taxable property for 1851 will be $300,000,000—four cents per hundred dollars on this valuation will yield a tax of		$ 120,000 00
Deduct commissions for collecting, delinquents, &c., about	$ 9,300 00	
And delinquent Sheriffs,	1,500 00	
		10,800 00
Which will leave		$ 109,200 00

being a sufficient sum to pay the above named demand.

Should the Legislature not adjourn on the 24th instant, there will be an addition to the liabilities above named, of about $500 each day they may continue in session.

I am, very respectfully,
THO. S. PAGE, 2*d Auditor*.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

The following bills were reported, viz:

By Mr. Bruce, from the committee on Internal Improvement—A bill to incorporate the Glasgow and Burksville Turnpike and Plank Road Company.

By Mr. Linthicum, from the committee on Circuit Courts—A bill to establish an additional election precinct in Greenup county.

By Mr. Marshall, from the committee on Military Affairs—A bill for the benefit of the 57th Regiment, in Garrard county.

By Mr. Ritter, from the committee on the Judiciary—A bill concerning the Police Judge of the town of Hartford, in Ohio county.

By same—A bill to amend the act establishing the Morgantown Seminary.

By Mr. Pope, from the committee on the Judiciary—A bill regulating the terms of the Butler and Edmonson Circuit Courts.

By same—A bill in relation to the commissions of officers.

Which bills were severally read the first time, and ordered to be read the second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope, from the committee on the Judiciary, to whom were refered bills from the House of Representatives of the following titles, viz:

An act to legalize the proceedings of the Bracken County Court, at its October term, 1850.

An act to incorporate the town of Raleigh, in Union county.

An act to amend the charter of the Lexington and Frankfort Rail-road Company.

An act fixing the period of Clerks and other officers listing their fee bills for collection in the present year.

An act to establish the town of Woodville, in the county of Mason.

An act to incorporate Hancock Lodge, No. 115, in Hancock county.

An act further to define the powers of the Trustees of Winchester, and extend the privileges of its citizens.

An act to amend the charter of the Falls City Insurance Company, approved February 20, 1851.

An act to establish the town of Lovelaceville, in Ballard county.

An act to extend the limits of Independence, in Kenton county.

An act to incorporate Springhill Lodge, No. 139, at Crab Orchard.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the committee on Finance, to whom were referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Aaron Dawson, Edward McClure, and John L. McCann.

An act providing for the collection, by the Sheriffs elected in May next, of the revenue of the present year.

An act for the benefit of William T. Dudley, Clerk of the Fleming County Court

An act for the benefit of John M. Gallagher.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chiles, from the same committee, made the following report, viz:

The committee on Finance, to whom was referred the petition of Thomas B. Stevenson, beg leave to report:

That in consequence of the late period of the session, at which said petition was presented and the short time intervening, before the day appointed for the final adjournment of the Legislature, it will be impossible for the committee to give to the claim of Mr. Stevenson, as set forth in his said petition, that attention and investigation which will be necessary for a full understanding of the merits of said claim. Various settlements of the accounts of said Stevenson, as late Clerk of the Kentucky Penitentiary, are referred to, as well as to the books of said Penitentiary, and other documents, which it will be out of our power to inspect, in the limited space of time allowed us, so as to make such a report as the Senate would expect of us in view of the circumstances of the case.

We therefore ask of the Senate to be discharged from the further consideration of said petition, for the reasons suggested.

WALTER CHILES,
Chairman Committee on Finance.

Mr. Bruce, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law regulating tolls on the Wilderness Turnpike Road, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the committee on the Judiciary, reported a bill for the benefit of David A. Knox, of Boyle county, which was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be placed in the orders of the day.

Mr. Pope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to charter the city of Louisville, reported the same without amendment.

Mr. Patterson moved to postpone the further consideration of said bill until Friday next, at 9 o'clock.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Saunders, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	John W. Leathers,	John W. Ritter,
Sam. Daviess Delany,	Thomas P. Linthicum,	Robert S Russell,
Elihu Hogan,	Beriah Magoffin,	James M. Shepard—11.
Overton P. Hogan,	Robert A. Patterson,	

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	Nathaniel P. Saunders,
James P. Barbour,	John C. Kouns,	Berry Smith,
Joshua Buster,	William N. Marshall,	Thomas J. Smith,
John Eaker,	Hamilton Pope,	William Sterett,
Abijah Gilbert,	Camden Riley,	Daniel Waits,
Richard C. Graves,	Thomas Rouse,	Caleb B. Wallace—19.
James W. Irwin,		

The tenth article of said bill reads as follows, viz:

ARTICLE X.

§ 1. At the first election for city officers under this charter, there shall be elected by the qualified voters in each ward of said city, two persons, qualified as hereinbefore provided, as Trustees *of the University and* Public Schools of Louisville, and the persons so elected shall constitute and be styled the "Board of Trustees *of the University and* Public Schools of Louisville;" and the Board of Trustees first elected shall, within three months after their election, cause the Trustees from each ward to be divided by lot into two classes, and the members of the first class shall vacate their offices at the end of one year from the day of their general election, and those of the second class at the end of two years from the day of their general election; and annually thereafter there shall be elected by the qualified voters in each ward, one qualified person as Trustee of the *University and* Public Schools of Louisville, who shall hold office for two years and no longer.

§ 2. The control and management *of the University of Louisville, and* of the High School for Females, and of the Public Schools of Louisville, and of the property and funds belonging thereto, and which may accrue in any way to them, and for their establishment, management and maintenance under the provisions of this charter or otherwise, shall be vested in the said Board of Trustees, subject to the provisions of this charter and the ordinances passed by the General Council in relation thereto.

§ 3. The said Board of Trustees shall, before entering upon the duties of their offices, make oath or affirmation before some judicial officer of this Commonwealth, faithfully to discharge the duties enjoined upon them by this charter and the ordinances of the General Council of said city.

§ 4. The said Board of Trustees shall have power to make by-laws, not in conflict with this charter or the city ordinances, for carrying out the duties of their office, and to determine their own rates of proceeding, but a majority of the whole board shall be necessary to form a quorum for the transaction of business, and they shall meet at least once a month, and oftener if necessary, for the transaction of business; and no appropriation of money shall be made by said board without the concurrence of a majority of the members elect in office. And said board shall keep a correct record of all their proceedings in a book provided for the purpose, which shall be at all times open to the inspection of citizens, of the Mayor, and of any member of the General Council.

§ 5. The said Board of Trustees shall elect *a President and the professors of the University of Louisville,* the teachers of the High School for Females and of the Public Schools of Louisville, regulate and fix the salaries of *such President, professors and* teachers, and dismiss or suspend any teacher for misconduct or neglect of duty, prescribe the branches of education to be taught *in the academical department of said University,* in the High School for Females, and in the Public Schools of Louisville; prescribe the necessary qualifications for and the mode of examination of pupils applying for admission to the *said academical department and* High School for Females, and the number of pupils annually to be admitted

to each; and they shall also fix the bounds of districts for each public school within which the children shall be entitled to admission to said school, and shall provide class books for children attending the public schools, whose parents are unable to purchase them. It is provided, however, that all free white children over six years of age, within each district, shall have equal rights of admission to the schools of that district, and that no catechism or other form of religious belief shall be taught or inculcated in; nor shall any class book be used or adopted for said schools which reflects upon any religious denomination, nor shall any of said schools be so conducted as to interfere with the religious belief of parents of pupils: *and it is also provided*, that for the first two years after the opening for the reception of pupils *of said academical department of said University and* of said High School for Females, all children of prescribed age and qualifications shall have equal rights of admission to and the enjoyment of such education as *said academical department or* said High School can confer; but after said two years, no pupil shall be admitted to *said academical department or* said High School, who has not attended at least one scholastic year in one or more of the public schools of Louisville, *except* that all orphan children raised and educated at either of the orphan asylums in said city, or in any other charitable institution now or hereafter established in said city, of the prescribed age and proficiency in learning, shall be entitled to the rights of admission to *said academical department or* said High School, and to the benefits of such education as may be conferred there. *And it is further provided*, that no fees for tuition shall ever be charged *in said academical department of said University*, in said High School for Females, or in said Public Schools of Louisville.

§ 6. The said Board of Trustees shall elect a principal Secretary, who shall be school agent and attend all meetings of said Board of Trustees, keep their records and perform such other duties as may be required of him by said Board of Trustees, or prescribed by ordinance, and who shall receive for his services an annual salary of not less than $500, to be fixed by ordinance, payable quarterly.

§ 7. The said Board of Trustees shall, at the end of each scholastic year, and at other times if required by the General Council, make out and report to said Council a written or printed statement in such form as may be prescribed by the said Council, showing the number of students *in each department of the University of Louisville*, in the High School for Females, and in each of the public schools of Louisville, and the condition and the amount of property and funds belonging thereto, and such other information as the General Council may from time to time require.

§ 8. It shall be the duty of the General Council first elected under this charter to establish or create by ordinance a sufficient fund, and appropriate the same for the erection, establishment and maintenance of *said University of Louisville and* Public Schools of Louisville, under the control and management of the Board of Trustees hereinbefore provided for, *and the said Trustees shall, in the building provided therefor, on the University Square in said city, establish and maintain the academical department of said University of Louisville*, and cause to be erected in each ward of said city a school house or school houses, of uniform, suitable and convenient construction, for the instruction of all qualified children applying for admission thereto, and with separate apartments for teaching male and female children. And in the year 1852, the General Council shall cause to be erected a suitable building or buildings, centrally located, and establish and maintain therein a High School for females, wherein the female children of the prescribed age and qualifications as hereinbefore provided, shall be admitted, and receive instruction in such branches of education as the said Board of Trustees may prescribe to be taught therein.

§ 9. For the purpose of raising money for the maintenance of the University of Louisville, the High School for females and the Public Schools of Louisville, as

above provided for, the General Council of said city shall, in the year 1851, and annually thereafter, cause to be levied and collected, a tax of not less than twelve and a half cents, nor more than twenty-five cents on each one hundred dollars worth of the property assessed for taxation within the city limits, as provided for in article fourth, sections one and two, of this charter; and for the same purposes, and no other, shall be appropriated the sum or sums which may be received from year to year, as the portion of the said city of the School Fund of this Commonwealth, and all fines and forfeitures collected in the city court of Louisville, for the use of the said University and Public Schools of Louisville, as hereinbefore provided; and so much as may arise from real, personal, or mixed property in the city of Louisville, which from alienage, defect of heirs, or failure of kindred, capable in law to take the same, shall escheat to the Commonwealth of Kentucky, and which is hereby declared vested in the said Board of Trustees for the use and benefit of the University and Public Schools of Louisville, and the said city, by the Mayor thereof, or such officer as the General Council may appoint for that purpose, shall enter upon and take possession of any and all such property, or in its corporate name sue for and recover the same or any chose of action, right or credit of such decedent, and reduce the entire estate into possession as aforesaid, without office found.

And the said Council shall furnish to said Board of Trustees, an adequate amount of money, credit, or property, to enable the said Board of Trustees to build or procure such school house or school houses in each ward as hereinbefore provided for, and the amount of money, credit, or property, shall be in addition to the amount hereinbefore provided for, for the use and benefit of said University and High School for females, and said Public Schools.

§ 10. Should the provisions hereinbefore made for raising means for the establishment and maintenance of said University, and said High School for females and said Public Schools of Louisville, and for the erection of school houses as hereinbefore provided for, it shall be the duty of the General Council first elected under this charter, to pledge the credit of the said city for any sum or sums of money, not exceeding seventy-five thousand dollars, to carry into effect the educational system herein provided for, and the amount of money raised under this section, shall be repaid out of the surplus that, from time to time may exist, of monies raised by taxation, or otherwise accruing to the use and support of said University and Public Schools of Louisville.

§ 11. It shall be the duty of the Board of Trustees, upon the completion of the assessment of property for taxation, annually to ascertain the sum likely to accrue from taxation, for the use of said University and Public Schools for the current fiscal year, and also to ascertain and estimate, as correctly as may be, the whole amount of means applicable to educational purposes, for the current fiscal year; and said Board of Trustees shall not expend or contract for the payment of a larger sum than the estimated, to be received for the year: *Provided, however,* that this section shall not be construed as to prevent said Board of Trustees from receiving and expending any sum that may come to them by gift or devise, or by any law of the commonwealth or ordinances of the city, passed hereafter.

§ 12. The said Board of Trustees shall have power to examine, or cause to be examined, by competent persons, all applicants for the office of teacher in the High School for females and in the Public Schools of Louisville.

§ 13. No portion of the property or funds, held or raised for the *University and* Public Schools of Louisville, shall ever be applied to the support of any school or schools, which is or are not entirely under the control and management, in every particular, as the Public Schools of Louisville are, of the said Board of Trustees of the *University and* Public Schools of Louisville.

§ 14. The said Board of Trustees, and their successors in office, as provided for herein, shall take and hold the possession of all property and funds set apart

for the use of said *University and* High School for females, and the Public Schools of Louisville, for educational purposes in said city; but the University square and all the property of the University of Louisville, shall be held to the uses and purposes set forth in the deed of donation made by the Mayor and Council of said city to the President and Trustees of the Medical Institute of Louisville, and in accordance with the resolutions adopted by the people of said city, in mass meeting, at the Radical Methodist Church, on the 20th day of October, 1837.

Mr. Delany moved to strike out all of said article printed in italics.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Saunders and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

John P. Bruce,	John W. Leathers,	Thomas Rouse,
Sam. Daviess Delany,	Robert A. Patterson,	Robert S. Russell,
Elihu Hogan,	John W. Ritter,	Daniel Waits—10.
Overton P. Hogan,		

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	Camden Riley,
Camden M. Ballard,	Alfred Johnston,	Nathaniel P. Saunders,
James P. Barbour,	John C. Kouns,	Berry Smith,
Walter Chiles,	Thomas P. Linthicum,	Thomas J. Smith,
John Eaker,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Hamilton Pope,	Caleb B. Wallace—19.
Richard C. Graves,		

Mr. Pope moved an amendment to said bill, which was adopted.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:

An act defining the boundaries of the Magistrates' and Constables' Districts in Pulaski county.

An act to change the lines of a Magistrates' and Constable's District in Boone county.

An act to authorize the County Courts of Logan and Simpson to subscribe stock in the Louisville and Nashville Railroad Company, or in such Railroad Company as may pass through said counties.

An act to fix the time of holding Circuit Courts in this Commonwealth.

Were taken up, twice read, and concurred in.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to pro-

vide for the payment of the interest of the School Fund, the objections of the Governor to the contrary notwithstanding.

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the payment of the debts now due, and for the further prosecution of the work on the Second Kentucky Lunatic Asylum, and to appoint Commissioners to visit the same.

An act to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850.

An act to amend the charter of the city of Covington.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Graves—1. A bill for the benefit of George W. V. McConnell, Sheriff of Woodford county.

On motion of same—2. A bill to authorize the Trustees of the town of Versailles and the Woodford County Court to give power to a company to establish water works in said town.

Ordered, That Messrs. Graves, Chiles, and Eaker, prepare and bring in said bills.

On motion of Mr. Linthicum,

Ordered, That the Public Printer print, for the use of the Senate, 1,000 copies of the act to regulate the election laws.

On motion of Mr. Pope,

Ordered, That the Public Printer print, for the use of the Senate, 1,000 copies of the act to fix the time of holding Circuit Courts in this Commonwealth.

A bill to incorporate the Newport Safety Fund Bank of Kentucky, was taken up.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and is hereby established a bank, by the name of the Newport Safety Fund Bank of Kentucky, with a capital of one hundred thousand dollars, which may be increased to three hundred thousand dollars, in the manner hereinafter specified; which capital shall be divided into shares of one hundred dollars each, and to be subscribed and paid for by individuals, companies, and corporations, as hereinafter directed; which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and

style of the Newport Safety Fund Bank of Kentucky, and shall so continue a body politic and corporate until the first day of May, 1880; and by that name, under the restrictions hereinafter named, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts or places, in all matters whatsoever, as natural persons; with full power to acquire, hold, possess, occupy, and enjoy, and also to sell, convey, and dispose of, all such real estate, goods, effects, and chattels as shall be convenient for the transaction of its business, or which may be conveyed to said bank as surety for or in satisfaction of any debt, or purchased in satisfaction of any judgment or decree in favor of the bank, or in the purchase of any property on which said bank may have a lien; and said bank may have and use a common seal—change, alter, and renew the same at pleasure; and it may ordain and put in execution such by-laws, rules, and regulations for a good government of its affairs, as may be thought most proper: *Provided*, that they be not contrary to the constitution and laws of this state, or the United States.

§ 2. The said bank shall have and keep its office of discount and deposit in the city of Newport; the business shall be, discounting bills, notes, and other evidences of debt, receiving deposits, buying and selling gold and silver bullion, foreign coins and bills of exchange, loaning money on real and personal security, and may exercise such incidental powers as shall be necessary to carry on such business.

§ 3. The first auditor of the state is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes, in blank, of the different denominations authorized to be issued by the incorporated banks of this state, as may be necessary to carry into effect the provisions of this charter, and of such form as he may prescribe; such blank circulating notes shall be countersigned by him, numbered and registered in proper books, to be provided and kept for such purpose in his office, under his direction, so that each denomination of such notes shall all be of the same similitude, and bear the uniform signature of said auditor; and, so soon as the president of the aforesaid bank shall lawfully transfer to the said first auditor any portion of the public stock, or state bonds, issued or to be issued by this state—being not less than fifty thousand dollars—the president and directors of said bank shall be entitled to receive from said auditor an equal amount of such circulating notes, of different denominations, registered and countersigned as aforesaid; but such public stock shall, in all cases, be, or be made to be, equal to the stock of this state, producing five per cent. per annum; and it shall not be lawful for the auditor to take such stock above its par value, nor above its current market value.

§ 4. Said circulating notes being signed by the president and countersigned by the cashier of said bank, and made payable on demand at the office of discount and deposit in Newport, Kentucky, may be loaned and circulated as money, according to the ordinary course of banking business, as regulated by the laws and usages of this state. Said notes shall have stamped on their face—"secured by the pledge of state bonds."

§ 5. In case said bank shall, at any time hereafter, on lawful demand, during the usual hours of business, between the hours of 10 o'clock, a.

m., and 3 o'clock, p. m., at their banking house in Newport, fail or refuse to redeem any of their said notes, in the lawful money of the United States, the holder of any such note, making such demand, may cause the same to be protested for non-payment, by a notary public under his seal of office, in the usual manner; and the first auditor, on receiving and filing in his office such protest, shall forthwith give notice, in writing, to the president of said bank, to pay the same; and if he shall omit to do so for ten days after such notice, the first auditor shall immediately thereupon (unless he shall be satisfied that there is a good and legal defense against the payment of such note or notes) give notice in the state paper that all the circulating notes issued by said bank will be redeemed out of the trust funds in his hands for that purpose; and it shall be lawful for the first auditor to apply the said trust funds to the payment and redemption of such notes, with costs of protests, and to adopt such measures for the payment of all such notes put in circulation by said bank, as will, in his opinion, most effectually prevent loss to the holders thereof.

§ 6. The first auditor shall give to the president and directors a power of attorney to receive interest or dividends on the state bonds so pledged, which said president and directors may receive and use for the benefit of the stockholders; but such power may be revoked upon said bank failing to redeem the circulating notes so issued, or whenever, in the opinion of the first auditor, the principal of said stock shall become an insufficient security; and the said auditor, upon the application of the president and directors, may re-transfer the said bonds, or any part thereof, or the mortgages, or any of them, hereinafter mentioned and provided for, upon receiving and cancelling an equal amount of such circulating notes, in such manner that the circulating notes shall always be secured in full, either by state bonds or by state bonds and mortgages, as in this act provided.

§ 7. Instead of transferring state bonds, as aforesaid, to secure the whole amount of such bills or notes, it shall be lawful for said bank, in case it shall so elect, before receiving any of such bills or notes, to secure the payment of one-half of the whole amount so to be issued, by transferring to the first auditor bonds and mortgages to real estate, bearing at least six per cent interest, of this state, payable annually or semi-annually; in which case, all such bills or notes issued by said bank shall have stamped on their face, "Secured by the pledge of state bonds and real estate." Such mortgages shall be only upon valuable unencumbered lands within this state, and within fifty miles of Newport, worth, independently of any buildings thereon, at least double the amount for which they shall be so mortgaged; and the first auditor shall prescribe such regulations for ascertaining the title and the value of such lands as he may deem necessary; and such mortgages shall be payable within such time as the first auditor may direct.

§ 8. The first auditor may, in his discretion, re-assign the said bonds and mortgages, or any of them, to the bank, on receiving other approved bonds and mortgages of equal amount; and when any sum of the principal of the bonds and mortgages transferred to the auditor shall be paid to him, he shall notify the bank of such payment, and may pay the same to said bank, on receiving other approved bonds and mortgages of equal amount.

§ 9. The said bank may receive the annual amount of interest to accrue on said bonds and mortgages, unless default shall be made in paying the bills or notes to be countersigned as aforesaid, or unless, in the opinion of the first auditor, the bonds and mortgages or stocks, so pledged, shall become an insufficient security for the payment of such bills or notes; and in case said bank shall fail or refuse to pay such bills or notes on demand, in the manner specified in the fifth section of this act, the first auditor, after the ten days' notice therein mentioned, may proceed to sell, at public auction, the state bonds so pledged, or the bonds and mortgages so assigned, or any or either of them, and, out of the proceeds of such sale, shall pay and cancel the said bills or notes, default in paying which shall have been made, as aforesaid; but nothing in this act contained shall be considered as implying the pledge, on the part of the state, for the payment of said bills or notes beyond the proper application of the securities pledged to the first auditor for their redemption.

§ 10. The state bonds, bonds and mortgages, deposited with the first auditor by said bank, shall be held by him exclusively for the redemption of the bills and notes of said bank, in circulation as money, until the same are paid.

§ 11. The plates, dies, and materials to be procured by the first auditor, for the printing and making of the circulating notes provided for hereby, shall remain in his custody and under his direction; and the expenses necessarily incurred in executing the provisions of this act, shall be paid by said bank.

§ 12. Any first auditor who shall countersign for said bank bills or notes to an amount, in the aggregate, exceeding the state bonds, or bonds and mortgages, at their value as provided in the third section of this act, deposited with the first auditor, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years, or by both such fine and imprisonment.

§ 13. Upon the application of any creditors or shareholders of said bank, whose debts or shares shall amount to one thousand dollars, and stating facts verified by affidavit, the chancellor may, in his discretion, order a strict examination to be made by commissioners, appointed by him for that purpose, in order to ascertain the safety of its investments and the prudence of its management; and the result of every such examination, together with the opinion of the commissioners and the chancellor thereon, shall be published in such manner as the chancellor shall direct; who shall make such order in respect to the expenses of such examination and publication as he may deem proper.

§ 14. Said bank shall be liable to pay the holder of every note or bill put in circulation as money, the payment of which shall have been demanded and refused, or on refusal to pay any money previously deposited with said bank, and then due and demandable, to any person or persons entitled to receive the same, damages for non-payment thereof, in lieu of interest, at and after the rate of six per cent. per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.

§ 15. It shall be the duty of the first auditor to receive mutilated circu-

lating notes issued by him, and to deliver in lieu thereof other circulating notes to the same amount, to be afterwards signed by the president and cashier of said bank.

§ 16. Whenever the securities deposited for the redemption of circulating notes shall, in the opinion of the first auditor, become insufficient for that purpose, he may receive the dividend on all stocks, as well as the interest on bonds and mortgages, and shall deposit the same in some safe bank in Frankfort, in his name, in trust for the Newport Safety Fund Bank of Kentucky; the deposit to be made on such terms and at such rate of interest as he may deem most conducive to the interest of said bank, and to be withdrawn and paid over whenever, in his opinion, the securities of said bank shall be sufficient to warrant it.

§ 17. It shall be lawful for the president of said bank to make or execute bonds and mortgages, direct to the first auditor, to secure the payment of circulating bills or notes.

§ 18. All fees for protesting the circulating notes issued by said bank, shall be paid by the person procuring the services to be performed, for which said bank shall be liable; but no part of the securities deposited by said bank shall be liable for such fees.

§ 19. It shall be the duty of the president and directors of said bank, during the first week of January in each year, to transmit to the first auditor an accurate and just statement of the condition of said bank, as it existed on the first day of the preceding month; which statement shall specify the amount of capital stock actually paid in, and the amount not paid in; the value of the real estate belonging to the bank, and its cost; the total amount of the debts due to and from the bank; the amount of gold and silver and other coined metals and bullion on hand; the amount deposited, the amount of bills in circulation, and the amount of bills on hand of other incorporated banks, and the amount of notes in circulation of each denomination issued by the bank; the rate and amount of each dividend of profits made by the bank, with the amount of the surplus profits, or the contingent fund; which statement it shall be the duty of the first auditor to cause to be printed in a newspaper printed in Campbell county, and in the state paper, the expense of which shall be paid by said bank.

§ 20. The promissory notes made payable to any person or persons, and payable and negotiable at the banking house in Newport, and indorsed to and discounted by said bank, shall be and they are hereby put on the same footing as foreign bills of exchange; and remedy may be had, jointly or severally, against the drawers and indorsers; and with like effect, except as to damages, and except that in a regular course of administration they shall have no other greater dignity or priority of payment than other notes.

§ 21. The real and personal estate, business, property, funds, and prudential concerns of said bank, and the administration of its affairs, shall be under the direction, management, and control of seven directors, chosen as hereinafter directed; they shall be stockholders, and, after the first election, shall have been stockholders at least three months previous to their election; they shall be residents of this state, and citizens of the United States, and, after the first election, shall be elected annually, on the first Monday in May; each director shall be a stockholder in his

own right; they shall hold their offices for one year, and until their successors shall be chosen; the directors shall be chosen by the shareholders, who shall meet at the annual elections, in the town of Newport, at such time and place as the directors for the time being shall direct; and notice of the time and place of holding the annual elections shall be published in at least one authorized newspaper, thirty days next preceding the election; the election shall be by plurality of votes, to be counted and read in public after all the votes are taken; the election shall be conducted under the direction of three shareholders, acting under oath, previously chosen by the directory, and not of their own body. No person who is a director or officer of another bank shall be eligible as a director of this bank; and any director becoming a director or officer in another bank, or while under protest in this bank, for the non-payment of debts, shall be held to have vacated the office of director of this bank; nor shall two partners in trade be eligible as directors in this bank, at one and the same time; and if the president, cashier, or any director shall fail or become insolvent after his election or appointment, he shall become incapable to serve as an officer in this bank, and shall be held to have vacated his office or place; nor shall he be appointed to serve in this bank until his debts are paid, or until he obtains a full discharge from the same. If, from any cause, an election shall not take place on the day fixed by this charter, the corporation, for that cause, shall not be dissolved, but the stockholders may hold an election on any other day the by-laws shall direct.

§ 22. At all meetings of the stockholders, and at all elections under this charter, each and every shareholder, whether individuals, companies, or corporations, shall be entitled to one vote for each share held in their own right. After the first election, no share shall entitle the holder to a vote, unless the same has been held by the person claiming to vote on the same at least three months prior to that time, and so appear on the books of the bank. Any stockholder entitled to vote, may do so in person or by proxy, such proxy being granted to a stockholder who is not the president or a director, the clerk, cashier, or teller of the bank; and any stockholder who is not a citizen of the United States, shall not be entitled to vote on his stock.

§ 23. The directors chosen for the said bank, under the provisions of this charter, shall, as soon as may be, after the first and every annual election or other election of directors, elect a president from their own body, who shall preside at the board until the next election; and in case of the death, absence, or resignation, or vacation of the office of president, the residue of the directors shall choose a president *pro tempore;* they shall fill all vacancies which may occur in their own body during the time for which they were chosen, and appoint a cashier, clerks, agents or servants of the bank, fix their compensation, define their powers, and prescribe their duties; and shall require of them such bonds, and in such penalties, as they may deem right; which bonds shall be laid monthly before the directory, and entry made thereof on record; and the directory may, from time to time, require such additional bonds and sureties, with such penalties and conditions, as, in their opinion, will secure the bank from loss or damage; and all such officers shall hold their places during the pleasure of the president and directors.

§ 24. The president and directors of the bank (any four of whom shall form a quorum for the transaction of business,) may, from time to time, make such by-laws, rules and regulations, for their own government, and for the management and disposition of the property, estate, funds and business of the bank, and all matters appertaining thereto, which they may deem expedient, not contrary to the provisions of this charter, or the by-laws, rules and regulations, which the stockholders, at their annual or other meetings, may, from time to time, prescribe: *Provided, however*, that a concurrence of a majority of all the directors shall be necessary in the adoption of any of the by-laws of the institution.

§ 25. The president and directors shall hold stated meetings at least once a week, on such days and at such hour of the day as they may, from time to time, appoint, and at such other times as they may agree on; and they shall attend called meetings at any time the president shall direct; and all questions before the board shall be decided *viva voce;* and, on the request of any two members, the yeas and nays on any proposition submitted shall be entered or recorded on the journal of their proceedings; and no vote shall be re-considered when a less number are present than when the vote was given.

§ 26. It shall be the duty of the president and directors of the bank, on the first Monday in January and July of each year, to declare a dividend of the profits among the stockholders, payable to them on demand; of which dividend, and the time and place of payment, notice shall be given. And if, at any time, said president and directors shall declare a dividend lessening the capital stock, or lessening the contingent fund aforesaid, or, by any mismanagement or neglect of duty, shall cause any loss or deficiency of or in the capital stock of said bank, the directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly and severally liable to the stockholders, or any creditor of said bank, who may be injured thereby; and the president and each director shall be deemed guilty of such mismanagement or neglect, or to have consented to such dividend, unless he forthwith give public notice of his dissent thereto, or his absence from the institution, and call a meeting of the stockholders, as herein provided.

§ 27. It shall be the duty of the cashier of the bank, on the first day of July, 1852, and on the first day of July in each succeeding year, during the continuance of this charter, to pay to the treasury of this commonwealth twenty-five cents on each hundred dollars of stock held and paid for in said bank, which shall be in full of all tax or bonus: *Provided*, that no tax shall be paid until said bank goes into operation: *and, provided further*, that the tax or bonus hereby proposed to be imposed on each share of stock in this bank, or such as shall hereafter be imposed on each share, is hereby set apart and forever dedicated to the cause of education on the common school system; and whenever the same, or any part thereof, shall be diverted otherwise, by legislative enactment, said bank shall then be exonerated from the payment of any tax or bonus whatever.

§ 28. The board of directors of said bank shall allow to the president thereof such reasonable compensation for his services as they may, from time to time, deem just; but no compensation shall be allowed to any director of the bank, unless the same be voted by the stockholders at some regular meeting.

§ 29. It shall be the duty of the president and directors of the bank, and they are hereby required, as often as once in every month, to cause a strict examination to be made of the accounts of the cashier, and a full and complete statement to be made and entered on the journal of the proceedings of the board.

§ 30. That it shall not be lawful for the cashier, clerk, teller, or other subordinate officer of the bank, either directly or indirectly, to engage in or carry on any other business than that of said bank, without the special license of the president and directors of the bank; nor shall any of them, either directly or indirectly, become indebted to said bank, either as borrower, indorser, surety, or otherwise.

§ 31. If the cashier, clerk, teller, agent, or other officer of the said bank shall, without the authority of the president and directors of the bank, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries on the books of the bank, with intent to cheat or defraud the corporation or any person, to hide, or conceal any improper appropriation of the funds of the corporation, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state for a period of not less than five nor more than twenty years.

§ 32. The president and directors of the bank shall keep a record or journal of all their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open to inspection to any committee appointed by the legislature.

§ 33. The president, cashier, directors, clerk, teller, and other officers of the bank, previous to entering on the discharge of their duties, shall take an oath before some justice of the peace of this state, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations, under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation.

§ 34. Said bank shall not contract for or receive a greater rate of interest than at the rate of six per cent. per annum, for the loan or forbearance of money, and interest on promissory notes, negotiable and payable at said bank; and their discount shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance, and on banking principles, in conformity with Rowlett's tables of discount and interest.

§ 35. That the president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock of said bank shall be considered and held, in law, as personal property, and assignable and transferrable only in such manner, and at such place or places as the president and directors of the said bank shall, by their by-laws, prescribe.

§ 36. The certificates of deposit, bank bills or notes, bills of exchange, post notes, or orders issued by said bank, shall be signed by the president and cashier, promising or requesting the payment of money to any person or persons, and to order, or bearer, as the case may be, shall be

obligatory on said bank, although not under its seal; and such of said notes or bills as shall be payable to order, shall be transferable by assignment, and those made payable to bearer, by delivery.

§ 37. That the general meeting of the stockholders shall be held annually, on the first Monday in May, in each year, in the city of Newport, at the time of the annual elections; to which meetings the president and directors of the bank shall present an accurate statement of the condition and affairs of the bank; and general meetings of the stockholders may be called as provided in the charter, or by the president and directors of the bank, when they esteem it desirable, or by any number of stockholders the by-laws of the corporation shall require.

§ 38. The legislature shall have the right to investigate the situation and affairs of said bank, by any committee they may appoint for that purpose, from time to time.

§ 39. The general court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the same; the proceedings shall be by *scire facias*, alledging and specifying the acts of forfeiture relied on; and shall only be sued out at the instance of the attorney general, when directed to do so by order of the legislature, or the governor for the time being; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be so construed as to prevent said bank from suing and being sued, and continuing its operations for the purpose of closing its concerns, nor from making any contracts that may be convenient and proper for that purpose.

§ 40. That Thomas L. Jones, James E. Perry, Silas Wood, H. C. Gassaway, Jas. N. Doxon, Benjamin D. Beall, Benjamin Smith, Henry K. Lindsey, Edward L. Southgate, H. H. Mayo, and James T. Berry, are hereby constituted and appointed commissioners to open books and receive subscriptions for the stock of said bank; and any five of them may superintend the election of the first board of directors.

§ 41. The said commissioners shall have power, and they are authorized and required, at such time as they may deem expedient, after giving at least thirty days' notice thereof, in some of the newspapers printed in this state, to open books for the subscription of capital stock of said bank, at Newport, and such other places as the commissioners may deem advisable, and cause books to be kept open until at least two hundred and fifty shares shall have been subscribed, when the same may be closed; or the commissioners may order them closed sooner, if deemed advisable, and re-opened whenever they think fit; and if more than three thousand shares shall be subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscriptions, in such manner that no subscription shall be reduced and leave any other subscription larger. The commissioners may appoint commissioners in any city in the United States to receive subscriptions of stock.

§ 52. If all the shares of the capital stock shall not be taken when the books of subscription shall first be opened by the commissioners, the president and directors may cause the books to be opened, from time to

time, and at such times as they may direct, and cause them to be kept open, if they choose, until the whole balance shall be taken; and the president and directors may require such premium on the stock sold, at the re-opening of the books, as they shall deem right; and such premium shall be the property of the bank.

§ 43. When not less than two hundred and fifty shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some public newspaper printed in this state, and appoint a day and place in the city of Newport, for the election of the first board of directors for said bank, who shall hold their offices until the next succeeding annual election; and not less than thirty nor more than sixty days' notice shall be given of the time and place of electing the said board of directors; and some three of the commissioners shall act as inspectors of the election, and shall take the proper oaths, and perform all the duties of inspectors of elections in like cases.

§ 44. The payment of the shares of the capital stock, held by individuals, companies and corporations, shall be at the times and in the manner to be determined by two-thirds of the commissioners, and which time and manner shall be published in the newspaper at Newport, and distinctly and fully made known, in writing, to each stockholder, on the subscription of his stock.

§ 45. Should any of the subscribers to the capital stock of said bank fail or refuse to pay for their stock, as herein provided, and as prescribed by the commissioners, the president and directors, first giving public notice in at least one public authorized newspaper printed in this state, for the space of thirty days, by a resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to re-sell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the bank.

§ 46. If any stockholder or stockholders in said bank, who shall not be a citizen or citizens of the United States, shall vote, or authorize any person to vote, at the election of directors for said bank, upon the stock held by such person or persons, not a citizen or citizens of the United States, or which may be held by others for his or their use and benefit, that such stock, so held and may have been voted upon, or authorized to be voted upon, at any of the elections for directors of said bank, shall be forfeited by such stockholder or stockholders, to and for the use of said bank.

§ 47. The bills or notes of said corporation, originally made payable to bearer, shall be receivable in all payments to the state, and on account of county levies, so long as it shall redeem its notes in gold or silver, on demand, unless otherwise directed by law.

§ 48. It shall not be lawful for the president or any of the directors of the bank to become bound as security or accommodation indorser on any note or bill discounted in said bank; and a violation of any of the provisions of this section shall subject the person, violating the same, to a penalty of five thousand dollars, to be recovered by action of debt in the name of the corporation, and for their use and benefit.

§ 49. Said bank shall not make any loan of money, or discount any note or bill, on the pledge of the stock of said bank whatever; and no

stockholder shall be allowed to pay any debt he may owe the bank, by the surrender of the stock of the bank, until all the notes of the bank shall have been redeemed and all the debts of the bank paid; and stockholders who shall become indebted to the bank, shall be compelled to pay their debts, in all respects, as other persons dealing with the bank; nor shall any stockholder be allowed to make payment of the shares of stock held by him, by means of a loan or loans obtained from said bank.

§ 50. The president and directors of the bank shall cause their cashier te make quarterly reports, on the first day of January, April, July, and October, in alphabetical order, of all the debts due said bank, setting out the amount due by each individual, with the names of the indorsers or securities, and a note of the other securities, the date of the notes or bills, and when payable; and these memorandums shall, at all times, be open to the examination of the president and directors of the bank.

§ 51. The president and directors of the bank shall have power and authority to purchase and to transfer any scrip or bonds which may be issued by the state.

§ 52. Notes to be issued by said bank, of a denomination less than five dollars, may be signed by the president or cashier of said bank, without being countersigned by any other officer of said bank.

§ 53. The president and directors of the bank may, under the direction of such agent or agents as they may think proper to appoint, keep open books for the transfer of the stock of said bank, at such places, and under such rules and regulations, as they may deem proper.

§ 54. The capital stock of said bank shall be one hundred thousand dollars, as provided in the first section of this act, which may at any time, provided a majority of the stockholders, at their annual meeting or election, shall so determine, be increased to three hundred thousand dollars; and the first auditor, whenever an additional sum of such securities as are required in this act shall be deposited with him by the said bank, shall issue to said bank an additional amount of circulating notes, countersigned as provided in section third of this charter, equal to said additional securities so deposited: *Provided*, that the amount of circulating notes, so issued by him and put in circulation by said bank, shall never, in the whole, exceed three hundred thousand dollars at any one time in circulation; and said bank may diminish the amount of notes in circulation, as provided in the sixth section of this act, and may also diminish the capital stock, when a majority of the stockholders, at their annual meeting, shall so determine, in the manner which said bank may deem best; and nothing in the forty-ninth section of this act shall be so construed as to contravene this last granted power; and the stockholders, in determining, by vote, whether to diminish or increase the capital stock, shall have one vote for each share, as in all other elections.

§ 55. The legislature hereby reserves to itself the right to alter, amend or repeal the same at pleasure.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballard and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	William N. Marshall,
Hall Anderson,	Elihu Hogan,	Daniel Morgan,
James P. Barbour,	Overton P. Hogan,	Robert A. Patterson,
John P. Bruce,	James W. Irwin,	Hamilton Pope,
Joshua Buster,	John C. Kouns,	Robert S. Russell,
Walter Chiles,	John W. Leathers,	James M. Shepard,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas J. Smith—21.

Those who voted in the negative, were

Camden M. Ballard,	Camden Riley,	Berry Smith,
Alfred Johnston,	John W. Ritter,	William Sterett,
Thomas P. Linthicum,	Nathaniel P. Saunders,	Daniel Waits—9.

Resolved, That the title of said bill be as aforesaid.

Mr. Barbour, from a select committee, to whom was referred a bill from the House of Representatives, entitled, an act to fix the salaries of certain officers, reported the same with amendments.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the various officers of this commonwealth, from and after their first election or appointment, under the present constitution, shall be paid out of the public treasury the following salaries, viz: To the governor, two thousand five hundred dollars; to the secretary of state seven hundred and fifty dollars; to the attorney general, three hundred dollars; to the treasurer, and keeper of the state house and public grounds, one thousand seven hundred dollars; to the librarian, two hundred and fifty dollars; to the register of the land office, one thousand two hundred and fifty dollars; to the adjutant general, one hundred and fifty dollars; to the quarter master general, one hundred dollars; to the clerk of the secrtary's office, six hundred and sixty-six dollars; to the first clerk in the land office, six hundred dollars; to the second clerk in the land office, five hundred dollars; to the judges of the court of appeals, each, fifteen hundred dollars; to the judges of the circuit courts, each, fifteen hundred dollars; to the chancellor of Louisville, fifteen hundred dollars; to the several attorneys for the commonwealth, each, three hundred dollars; which sums shall be paid out of the treasury, quarterly.

§ 2. That from and after the present session of the general assembly, the officers of each branch of the general assembly of the commonwealth of Kentucky shall be paid out of the public treasury the following sums, viz: To the principal clerks in the senate and house of representatives, each, *six* dollars per day: to the second clerk in each branch, *five* dollars per day; to the doorkeeper of each branch, three dollars per day; and to the sergeant-at-arms of each branch, three dollars per day.

§ 3. That any law now in force allowing a salary to a clerk in the treasurer's department be and the same is hereby repealed.

§ 4. That the sum of one hundred dollars be allowed the secretary of state for additional clerk hire for the present year.

The first amendments reported by the committee is to strike out, after the word "Treasurer," in the first section, the words "and keeper of the state house and public grounds;" also, to strike out "two hundred and fifty dollars" as the salary of the Librarian, and insert "four hundred dollars, and to add, after the word "Librarian," the words "and keeper of the state house and public grounds."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bruce and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Robert A. Patterson,
Camden M. Ballard,	James W. Irwin,	Hamilton Pope,
James P. Barbour,	John W. Leathers,	Camden Riley,
Walter Chiles,	William N. Marshall,	Robert S. Russell,
Sam. Daviess Delany,	Daniel Morgan,	James M. Shepard--16.
Elihu Hogan,		

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	Berry Smith,
John P. Bruce,	Thomas P. Linthicum,	Thomas J. Smith,
Joshua Buster,	Thomas Rouse,	William Sterett,
Abijah Gilbert,	Nathaniel P. Saunders,	Daniel Waits—13.
Alfred Johnston,		

The second amendment reported by the committee, is, to add to the first section the following, viz:

"To the Superintendent of Public Instruction *seven hundred and fifty dollars*."

Mr. Leathers moved to amend said amendment, by striking out "seven hundred and fifty," and inserting "one thousand."

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. T. J. Smith and Ballard, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Robert A. Patterson,
James P. Barbour,	John C. Kouns,	Hamilton Pope,
John P. Bruce,	John W. Leathers,	Camden Riley,
Sam. Daviess Delany,	Thomas P. Linthicum,	James M. Shepard—14.
Elihu Hogan,	Daniel Morgan,	

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	Nathaniel P. Saunders,
Camden M. Ballard,	Beriah Magoffin,	Berry Smith,
Joshua Buster,	William N. Marshall,	Thomas J. Smith,
Walter Chiles,	John W. Ritter,	William Sterett,
Abijah Gilbert,	Thomas Rouse,	Daniel Waits—17.
Overton P. Hogan,	Robert S. Russell,	

Mr. Magoffin moved a reconsideration of said vote.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Saunders and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Robert A. Patterson,
James P. Barbour,	John C. Kouns,	Hamilton Pope,
John P. Bruce,	John W. Leathers,	James M. Shepard,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Caleb B. Wallace—17.
Elihu Hogan,	Daniel Morgan,	

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	Robert S. Russell,
Camden M. Ballard,	William N. Marshall,	Nathaniel P. Saunders,
Joshua Buster,	Camden Riley,	Thomas J. Smith,
John Eaker,	John W. Ritter,	William Sterett,
Abijah Gilbert,	Thomas Rouse,	Daniel Waits—16.
Overton P. Hogan,		

The question was again taken on the adoption of the amendment to the amendment moved by Mr. Leathers, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ritter and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Robert A. Patterson,
James P. Barbour,	John W. Leathers,	Hamilton Pope,
John P. Bruce,	Thomas P. Linthicum,	James M. Shepard,
Sam. Daviess Delany,	Beriah Magoffin,	Berry Smith,
Elihu Hogan,	Daniel Morgan,	Caleb B. Wallace—16.
James W. Irwin,		

Those who voted in the negative, were

Hall Anderson,	Overton P. Hogan,	Robert S. Russell,
Camden M. Ballard,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	William N. Marshall,	Thomas J. Smith,
Walter Chiles,	Camden Riley,	William Sterett,
John Eaker,	John W. Ritter,	Daniel Waits—17.
Abijah Gilbert,	Thomas Rouse,	

Mr. Wallace moved to amend said amendment, by striking out "seven hundred and fifty," and inserting "nine hundred."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Saunders and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Hamilton Pope,
James P. Barbour,	John W. Leathers,	James M. Shepard,
John P. Bruce,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Daniel Waits,
Elihu Hogan,	Daniel Morgan,	Caleb B. Wallace—17.
James W. Irwin,	Robert A. Patterson,	

Those who voted in the negative, were

Hall Anderson,	Overton P. Hogan,	Thomas Rouse,
Camden M. Ballard,	Alfred Johnston,	Robert S. Russell,
Joshua Buster,	William N. Marshall,	Nathaniel P. Saunders,
Walter Chiles,	Camden Riley,	Thos. J. Smith,
John Eaker,	John W. Ritter,	William Sterett—16.
Abijah Gilbert,		

The question was then taken on the adoption of the second amendment of the committee, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. T. J. Smith and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	John C. Kouns,	Hamilton Pope,
James P. Barbour,	John W. Leathers,	James M. Shepard,
John P. Bruce,	Thomas P. Linthicum,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	Daniel Waits,
Elihu Hogan,	Daniel Morgan,	Caleb B. Wallace—17.
James W. Irwin,	Robert A. Patterson,	

Those who voted in the negative, were

Hall Anderson,	Overton P. Hogan,	Thomas Rouse,
Camden M. Ballard,	Alfred Johnston,	Robert S. Russell,
Joshua Buster,	William N. Marshall,	Nathaniel P. Saunders,
Walter Chiles,	Camden Riley,	Thomas J. Smith,
John Eaker,	John W. Ritter,	William Sterett—16.
Abijah Gilbert,		

The third amendment reported by the committee is to strike out, in the second section, the word "six," printed in italics, and insert in lieu thereof "seven;" also, to strike out the word "five," printed in italics, and insert in lieu thereof "six."

Mr. Leathers moved to amend said amendment, by striking out the second section.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Johnston and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	James W. Irwin,	Robert S. Russell,
Walter Chiles,	John W. Leathers,	James M. Shepard,
Sam. Daviess Delany,	Daniel Morgan,	Daniel Waits,
John Eaker,	Robert A. Patterson,	Caleb B. Wallace—15.

Those who voted in the negative, were

Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
James P. Barbour,	John C. Kouns,	Thomas Rouse,
John P. Bruce,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Joshua Buster,	Beriah Magoffin,	Berry Smith,
Abijah Gilbert,	Wm. N. Marshall,	Thomas J. Smith,
Overton P. Hogan,	Camden Riley,	William Sterett—18.

The question was then taken on the adoption of the third amendment of the committee, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. T. J. Smith and Johnston, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	Robert S. Russell,
James P. Barbour,	John W. Leathers,	James M. Shepard,
Walter Chiles,	William N. Marshall,	Berry Smith,
Sam. Daviess Delany,	Daniel Morgan,	William Sterett,
John Eaker,	Robert A. Patterson,	Caleb B. Wallace—20.
Elihu Hogan,	Hamilton Pope,	

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	Thomas Rouse,
John P. Bruce,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Joshua Buster,	Beriah Magoffin,	Thomas J. Smith,
Abijah Gilbert,	John W. Ritter,	Daniel Waits—13.
Alfred Johnston,		

Mr. Russell moved to strike out "two thousand five hundred," as the salary of the Governor, and insert "three thousand."

Mr. O. P. Hogan moved the previous question.

And the question being taken "shall the main question be now put?" it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Abijah Gilbert,	Thomas P. Linthicum,	Thomas Rouse,
Overton P. Hogan,	Wm. N. Marshall,	Berry Smith,
John C. Kouns,	John W. Ritter,	Daniel Waits—9.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John Eaker,	Camden Riley,
Hall Anderson,	Elihu Hogan,	Robert S. Russell,
Camden M. Ballard,	James W. Irwin,	Nathaniel P. Saunders,
James P. Barbour,	Alfred Johnston,	James M. Shepard,
John P. Bruce,	John W. Leathers,	Thomas J. Smith,
Joshua Buster,	Beriah Magoffin,	William Sterett,
Walter Chiles,	Robert A. Patterson,	Caleb B. Wallace—23.
Sam. Daviess Delany,	Hamilton Pope,	

The question was then taken on the adoption of the amendment moved by Mr. Russell, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Saunders and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Daniel Morgan,	Robert S. Russell,
Elihu Hogan,	Hamilton Pope,	James M. Shepard—7.
John W. Leathers,		

Those who voted in the negative, were

Hall Anderson,	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Nathaniel P. Saunders,
John P. Bruce,	John C. Kouns,	Berry Smith,
Joshua Buster,	Thomas P. Linthicum,	Thomas J. Smith,
Walter Chiles,	Beriah Magoffin,	William Sterett,
Sam. Daviess Delany,	Wm. N. Marshall,	Daniel Waits,
John Eaker,	Robert A. Patterson,	Caleb B. Wallace—26.
Abijah Gilbert,	Camden Riley,	

Mr. Bruce moved to strike out "two thousand five hundred," as the salary of the Governor, and insert "two thousand."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Bruce and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Alfred Johnston,	Berry Smith,
John P. Bruce,	Nathaniel P. Saunders,	Thomas J. Smith—7.
Joshua Buster,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Camden Riley,
Hall Anderson,	John C. Kouns,	John W. Ritter,
James P. Barbour,	John W. Leathers,	Thomas Rouse,
Walter Chiles,	Thomas P. Linthicum,	Robert S. Russell,
Sam. Daviess Delany,	Beriah Magoffin,	James M. Shepard,
John Eaker,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Daniel Morgan,	Daniel Waits,
Elihu Hogan,	Robert A. Patterson,	Caleb B. Wallace—26.
Overton P. Hogan,	Hamilton Pope,	

Mr. E. Hogan moved to strike out "fifteen hundred," as the salary of the Judges of the Court of Appeals, and insert "eighteen hundred."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Elihu Hogan, Hamilton Pope, James M. Shepard—4.
Daniel Morgan,

Those who voted in the negative, were

Mr. Speaker, (Grey,) Overton P. Hogan, John W. Ritter,
Hall Anderson, James W. Irwin, Thomas Rouse,
Camden M. Ballard, Alfred Johnston, Robert S. Russell,
James P. Barbour, John C. Kouns, Nathaniel P. Saunders,
John P. Bruce. John W. Leathers, Berry Smith,
Joshua Buster, Thomas P. Linthicum, T. J. Smith,
Walter Chiles, Beriah Magoffin, William Sterett,
Sam. Daviess Delany, William N. Marshall, Daniel Waits,
John Eaker, Robert A. Patterson, Caleb B. Wallace—29.
Abijah Gilbert, Camden Riley,

Mr. Sterett moved to strike out "fifteen hundred," as the salary of the Judges of the Court of Appeals, and insert "sixteen hundred."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Thomas P. Linthicum, Hamilton Pope,
Walter Chiles, Beriah Magoffin, Camden Riley,
Elihu Hogan, Daniel Morgan, James M. Shepard,
John C. Kouns, Robert A. Patterson, William Sterett—13.
John W. Leathers,

Those who voted in the negative, were

Hall Anderson, Abijah Gilbert, Robert S. Russell,
Camden M. Ballard, Overton P. Hogan, Nathaniel P. Saunders,
James P. Barbour, James W. Irwin, Berry Smith,
John P. Bruce, Alfred Johnston, Thomas J. Smith,
Joshua Buster, William N. Marshall, Daniel Waits,
Samuel Daviess Delany, John W. Ritter, Caleb B. Wallace—20.
John Eaker, Thomas Rouse,

Mr. Russell, at 15 minutes before 7 o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Russell and Shepard, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	William N. Marshall,
Hall Anderson,	James W. Irwin,	Hamilton Pope,
Camden M. Ballard,	John W. Leathers,	Robert S. Russell,
Walter Chiles,	Beriah Magoffin,	James M. Shepard—13.
Samuel Daviess Delany,		

Those who voted in the negative, were

James P. Barbour,	John C Kouns,	Nathaniel P. Saunders,
John P. Bruce,	Thomas P. Linthicum,	Berry Smith,
Joshua Buster,	Robert A. Patterson,	Thomas J. Smith,
John Eaker,	Camden Riley,	William Sterett,
Abijah Gilbert,	John W. Ritter,	Daniel Waits,
Overton P. Hogan,	Thomas Rouse,	Caleb B. Wallace—19.
Alfred Johnston,		

Some discussion was had on said bill,

And then the Senate adjourned.

THURSDAY, MARCH 20, 1851.

A message was received from the House of Representatives, announcing their concurrence in the report of the committee of conference upon the disagreement of the two Houses on the amendment proposed by that House, to a bill from the Senate, entitled, an act to unite into one the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Shepherdsville Plank Road Company.

That they concur in the amendments proposed by the Senate, to a bill from that House, entitled, an act to authorize the several Circuit Courts to change the venue in penal and criminal prosecutions.

That they had passed bills from the Senate, of the following titles, viz:

An act to incorporate the Baptist Church of Bedford, Trimble county.

An act for the benefit of the children of David and John Hogan.

An act to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons.

An act legalizing the proceedings of the Owsley County Court.

An act to amend an act, entitled, an act to amend and reduce into one the several acts relating to the town of Georgetown, approved March 1, 1847.

An act to amend the charter of the city of Augusta.

An act for the benefit of Elizabeth C. Flournoy, of McCracken county.

An act to incorporate the Waidsboro' and Marshall County Seminary.

An act to reduce into one the several acts concerning the town of Campbellsville, in Taylor county.

An act to amend the charter of the Louisville and Frankfort Railroad Company.

An act to amend the exemption laws.

With amendments to the last two named bills.

That they had passed bills of the following titles, viz:

An act to incorporate the Cynthiana Hotel Company.

An act repealing all laws authorizing allowances to Clerks and Sheriffs for *ex officio* services.

An act to change certain districts in Garrard and Nicholas counties.

An act to change the place of voting in the 5th district, in the county of Owen.

An act to prescribe the duties of the Secretary of State.

Mr. O. P. Hogan presented the petition of sundry citizens of the 7th district in Pendleton county, praying the passage of a law to change the place of voting in said district.

Which petition was received, the reading dispensed with, and referred to Messrs. O. P. Hogan, Leathers, and Rouse.

Leave was given to bring in the following bills, viz:

On motion of Mr. Shepard—1. A bill allowing an additional precinct in Scott county.

On motion of Mr. Magoffin—2. A bill to incorporate the Milan Turnpike Road Company.

On motion of Mr. Leathers—3. A bill to incorporate the Mount Hor Cemetery Company.

On motion of Mr. Marshall—4. A bill to change the lines of districts Nos. 3 and 5, in Taylor county.

Messrs. Shepard, Wallace, and Magoffin were appointed a committee to prepare and bring in the 1st; Messrs. Magoffin, Pope, and Munger, the 2d; the committee on the Judiciary, the 3d; and Messrs. Marshall, Waits, and O. P. Hogan, the 4th.

Mr. Bruce moved a reconsideration of the votes passing and ordering to a third reading, a bill from the House of Representatives, entitled, an act to amend the law regulating tolls on the Wilderness Turnpike Road.

And the question being taken thereon, it was decided in the affirmative.

Mr. Bruce moved a reconsideration of the vote adopting the amendment to said bill; when the hour for the orders of the day arrived.

The Senate, according to order, took up for consideration the motion to reconsider the vote disagreeing to the amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the charter of the Southern Bank of Kentucky.

And the question being taken on reconsidering the vote by which said amendment was disagreed to, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Eaker and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
Joshua Buster,	Alfred Johnston,	Thomas Rouse,
Walter Chiles,	John C. Kouns,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John W. Leathers,	James M. Shepard,
John Eaker,	Thomas P. Linthicum,	Berry Smith,
Richard C. Graves,	Wm. N. Marshall,	Daniel Waits,
Elihu Hogan,	Fitch Munger,	Caleb B. Wallace—21.

Those who voted in the negative, were

Hall Anderson,	Daniel Morgan,	Robert S. Russell,
James P. Barbour,	Camden Riley,	Thomas J. Smith,
James W. Irwin,	John W. Ritter,	William Sterett9—9.

Mr. Eaker moved to amend said amendment, by adding thereto the following, viz:

That the President and Directors of the principal bank shall cause the stock books of said bank to be opened early in September next, at two "suitable places," in each one of those three branch bank districts where no branch has been located, "having given not less than thirty days' notice thereof," by publication in the newspapers designated in the original charter, and shall give due notice to the commissioners appointed at each place to open the books and superintend the taking of stock, and cause the said books to be kept open for at least thirty days; and the said President and Directors, in the performance of the duties herein prescribed, shall comply with this act and the provisions of the 45th section of the orignal charter, and that they "shall locate the branches so soon as the subscription and payment of stock will justify their doing so."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Eaker and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Thomas Rouse,
John P. Bruce,	Elihu Hogan,	Nathaniel P. Saunders,

Joshua Buster,	Overton P. Hogan,	James M. Shepard,
Walter Chiles,	Alfred Johnston,	Berry Smith,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith,
John Eaker,	William N. Marshall,	Daniel Waits—18.

Those who voted in the negative, were

Hall Anderson,	Thomas P. Linthicum,	Hamilton Pope,
Camden M. Ballard,	Daniel Morgan,	Camden Riley,
James W. Irwin,	Fitch Munger,	John W. Ritter,
John C. Kouns,	Robert A. Patterson,	William Sterett—12.

Mr. Irwin moved further to amend said amendment by adding thereto the following proviso, viz:

Provided, That the President and Directors shall have power to charge such premium on the stock thus subscribed as will place the new stockholders upon an equality with the present stockholders, so far as the contingent fund proposed and required to be created, by the 14th section of the original charter, and so far as the necessary expenses for putting the bank into operation, up to the period of said subscription.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Daniel Morgan,	John W. Ritter,
Camden M. Ballard,	Fitch Munger,	Thomas Rouse,
Elihu Hogan,	Robert A. Patterson,	James M. Shepard,
James W. Irwin,	Hamilton Pope,	Thomas J. Smith,
John W. Leathers,	Camden Riley,	William Sterett—16.
Thomas P. Linthicum,		

Those who voted in the negative, were

Mr. Speaker (Grey,)	John Eaker,	William N. Marshall,
John P. Bruce,	Richard C. Graves,	Nathaniel P. Saunders,
Joshua Buster,	Overton P. Hogan,	Berry Smith,
Walter Chiles,	Alfred Johnston,	Daniel Waits—14.
Sam. Daviess Delany,	John C. Kouns,	

Mr. O. P. Hogan moved to refer said amendment, as amended, to a committee of the whole.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
John P. Bruce,	Overton P. Hogan,	Thomas Rouse,
Joshua Buster,	Alfred Johnston,	Nathaniel P. Saunders,
Walter Chiles,	William N. Marshall,	James M. Shepard,

Sam. Daviess Delany,	Daniel Morgan,	Berry Smith,
John Eaker,	Fitch Munger,	William Sterett,
Richard C. Graves,	Robert A. Patterson,	Daniel Waits—21.

Those who voted in the negative, were

Hall Anderson,	John C. Kouns,	Camden Riley,
Camden M. Ballard,	John W. Leathers,	Robert S. Russell—8.
James W. Irwin,	Thomas P. Linthicum,	

The Senate accordingly resolved itself into a committee of the whole on said amendment, as amended, Mr. O. P. Hogan in the chair, and after some time spent therein, the Speaker resumed the chair, when Mr. O. P. Hogan reported that the committee had, according to order, had under consideration said amendment, as amended, and had instructed him to report the same to the Senate.

Mr. Rouse moved a reconsideration of the vote adopting the amendment of Mr. Irwin.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Ballard, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John Eaker,	John C. Kouns,
John P. Bruce,	Richard C. Graves,	William N. Marshall,
Joshua Buster,	Elihu Hogan,	Thomas Rouse,
Walter Chiles,	Overton P. Hogan,	Berry Smith,
Sam. Daviess Delany,	Alfred Johnston,	Daniel Waits—15.

Those who voted in the negative, were

Hall Anderson,	Thomas P. Linthicum,	John W. Ritter,
Camden M. Ballard,	Daniel Morgan,	Robert S. Russell,
James P. Barbour,	Robert A. Patterson,	Nathaniel P. Saunders,
James W. Irwin,	Hamilton Pope,	James M. Shepard,
John W. Leathers,	Camden Riley,	William Sterett—15.

The question was then taken on concurring in the amendment of the House of Representatives, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Eaker and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Camden Riley,
Hall Anderson,	James W. Irwin,	John W. Ritter,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
John P. Bruce.	John W. Leathers,	Nathaniel P. Saunders,
Joshua Buster,	Daniel Morgan,	James M. Shepard,
John Eaker,	Robert A. Patterson,	Berry Smith,
Richard C. Graves,	Hamilton Pope,	Daniel Waits—25.
Elihu Hogan,		

Those who voted in the negative, were

Sam. Daviess Delany, William N. Marshall, William Sterett—4.
Thomas P. Linthicum,

The Senate resumed the consideration of the bill from the House of Representatives, entitled, an act to fix the salaries of certain officers.

Mr. Buster moved to strike out "fifteen hundred," as the salary of the Circuit Judges, and insert "thirteen hundred and fifty."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Saunders and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Hays,	Robert S. Russell,
Camden M. Ballard,	James W. Irwin,	Nathaniel P. Saunders,
John P. Bruce,	Alfred Johnston,	Berry Smith,
Joshua Buster,	Wm. N. Marshall,	Thomas J. Smith—14.
Sam. Daviess Delany,	John W. Ritter,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Hamilton Pope,
James P. Barbour,	John W. Leathers,	Camden Riley,
Walter Chiles,	Thomas P. Linthicum,	Thomas Rouse,
John Eaker,	Beriah Magoffin,	James M. Shepard,
Abijah Gilbert,	Daniel Morgan,	William Sterett,
Richard C. Graves,	Fitch Munger,	Daniel Waits,
Elihu Hogan,	Robert A. Patterson,	Caleb B. Wallace—22.
Overton P. Hogan,		

Mr. O. P. Hogan moved to strike out "fifteen hundred," as the salary of Circuit Judges, and insert "fourteen hundred."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and T. J. Smith, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	John Eaker,	Robert A. Patterson,
Camden M. Ballard,	Abijah Gilbert,	John W. Ritter,
James P. Barbour,	James W. Hays,	Thomas Rouse,
John P. Bruce,	Overton P. Hogan,	Nathaniel P. Saunders,
Joshua Buster,	James W. Irwin,	Berry Smith,
Walter Chiles,	Alfred Johnston,	Thomas J. Smith—20.
Sam. Daviess Delany,	William N. Marshall,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Beriah Magoffin,	Robert S. Russell,
Richard C. Graves,	Daniel Morgan,	James M. Shepard,
Elihu Hogan,	Fitch Munger,	William Sterett,
John C. Kouns,	Hamilton Pope,	Daniel Waits,
John W. Leathers,	Camden Riley,	Caleb B. Wallace—16.
Thomas P. Linthicum,		

Mr. Ballard moved to strike out "fifteen hundred," as the salary of the Chancellor of Louisville, and insert "fourteen hundred."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and Ballard, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Joshua Buster,	Nathaniel P. Saunders,
Camden M. Ballard,	Overton P. Hogan,	Berry Smith,
John P. Bruce,	Alfred Johnston,	Thomas J. Smith—9.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Camden Riley,
Camden M. Ballard,	John C. Kouns,	John W. Ritter,
Walter Chiles,	John W. Leathers,	Thomas Rouse,
Samuel Daviess Delany,	Thomas P. Linthicum,	Robert S. Russell,
John Eaker,	William N. Marshall,	James M. Shepard,
Abijah Gilbert,	Daniel Morgan,	William Sterett,
Richard C. Graves,	Fitch Munger,	Daniel Waits,
James W. Hays,	Hamilton Pope,	Caleb B. Wallace—25.
Elihu Hogan,		

Mr. Graves moved to add to the third section of said bill the following proviso, viz:

Provided, That this section shall not be considered in force until the Treasurer, to be elected in August next, shall be installed.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Saunders and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Robert A. Patterson,
Hall Anderson,	Overton P. Hogan,	Hamilton Pope,
Camden M. Ballard,	James W. Irwin,	Camden Riley,
James P. Barbour,	Alfred Johnston,	John W. Ritter,
Joshua Buster,	John C Kouns,	Thomas Rouse,
Walter Chiles,	John W. Leathers,	Robert S. Russell,
Samuel Daviess Delany,	Thomas P. Linthicum,	James M. Shepard,
John Eaker,	Beriah Magoffin,	Thomas J. Smith,
Abijah Gilbert,	William N. Marshall,	William Sterett,
Richard C Graves,	Fitch Munger,	Caleb B. Wallace—31.
James W. Hays,		

Those who voted in the negative, were

Nathaniel P. Saunders, Berry Smith—2.

Resolved, That the title of said bill be as aforesaid.

The following bills were reported, viz:

By Mr. Graves, from a select committee—A bill for the benefit of G. W. V. McConnell, of Woodford county.

By same—A bill to authorize the Trustees of the town of Versailles, and the County Court of Woodford county, to give power to a company to establish water works in said town.

By Mr. Shepard, from a select committee—A bill to establish an additional election precinct in Scott county.

By Mr. Sterett, from the committee on Propositions and Grievances—A bill to change the Magistrates' and Constables' districts in Carter county.

Which bills were severally read the first time, and ordered to be read the second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, MARCH 21, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent, John M. Rutherford, to be Notary Public for the county of Jefferson.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein.

An act to unite into one the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Shepherdsville Plank Road Company.

An act to incorporate the Deposit Bank of Danville.

An act for the benefit of John G. Holloway.

An act in relation to the Goose Creek Turnpike Road, in Knox and Clay counties.

An act to incorporate the Springdale and Tollsburg Turnpike Road Company, in Mason and Lewis counties.

An act granting to the Marshal of Owenton, Owen county, the power and authority of a Constable.

An act concerning the tax on licenses to coffee-houses, taverns, and ten pin alleys, in the city of Louisville and county of Jefferson.

An act changing an election precinct in Jefferson county.

An act for the benefit of the town of Russellville.

An act to amend an act, entitled, an act for the benefit of William Smith, of Laurel county, approved March 7, 1850.

An act to repeal the fifth section of an act, entitled, an act to amend the charter of the city of Louisville, approved March 5, 1850.

An act to define the original corners of the town of Boston, in Whitley county.

An act authorizing an alley to be closed in the town of Portland.

An act to incorporate the Greenville Mansion Hotel Company.

An act to incorporate the Paint Lick Presbyterian Church, in Garrard county.

An act for the benefit of School District No. 16, Kenton county.

An act allowing to the county of Warren an additional district for the election of Justices of the Peace and Constables.

An act to amend an act, entitled, an act to amend and reduce into one the several acts relating to the town of Georgetown, approved March 1, 1847.

An act legalizing the proceedings of the Owsley County Court.

An act to incorporate the Baptist Church of Bedford, Trimble county.

An act to incorporate the Waidsboro' and Marshall county Seminary.

An act for the benefit of the children of David and John Hogan.

An act to amend an act in relation to running and re-marking a part of the county line between Graves and Hickman counties.

An act to equalize the compensation for the collection of the revenue tax.

An act to amend the charter of the city of Augusta.

An act for the benefit of Elizabeth C. Flournoy, of McCracken county.

An act to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons.

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to authorize the several Circuit Courts to change the venue in penal and criminal prosecutions.

An act to reduce into one the several acts regulating the town of Madisonville.

An act to incorporate the Georgetown and Louisville Branch Railroad Company.

An act better to define the duties of the Keeper of the Penitentiary.

An act concerning Justices' and Constables' districts, in Fleming county.

An act for the benefit of certain Common School districts in Henderson, Henry, and Monroe counties.

An act for the benefit of the Mechanics of Muhlenburg county.

An act to incorporate the town of Newcastle.

An act to amend an act, entitled, an act incorporating the Trustees of the Parochial School of the Hanging Fork Presbyterian Church, approved February 9, 1850.

An act to establish the Police Court of Poplar Plains.

An act to establish a Police Judge in the town of Carrollton.

An act concerning certain Magistrates' districts in Madison county.

An act to repeal an act to amend the charter of the Covington and Lexington Railroad Company, approved March 4, 1850; and, also, an act supplemental to said act, approved March 6, 1850.

An act to give the Carroll and Gallatin County Courts control of the State roads in said counties.

An act regulating allowances to masters, auditors, and commissioners in chancery.

An act for the benefit of the Sheriff of Whitley county.

An act for the benefit of the Sheriff of Rockcastle county.

An act for the benefit of Green Adams.

An act to allow John A. Hunt, of Laurel county, to vend goods, wares, and merchandise, without license.

An act to change the place of voting from Sulphur Well to James Carter's, in Jessamine county.

An act to amend an act, entitled, an act to incorporate the Maysville, Orangeburg, and Mount Carmel Turnpike Road Company.

An act to amend the charter of the Lexington Insurance Company.

An act to authorize the Montgomery County Court to levy a tax for re-building the Court House of said county.

An act to suppress the practice of adulterating spirituous liquors, &c.

An act to incorporate the Stanford and Hustonville Turnpike Road Company.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to

the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

On motion of Mr. Ritter, a bill from the House of Representatives, entitled, an act to prescribe the duties of the Secretary of State, was taken up, and read the first time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, all petitions heretofore presented, or which may hereafter be presented to the governor for the pardon of convicts confined in the penitentiary, or other persons charged with crime, signed by citizens, shall be held and regarded as public documents; and as such shall, when filed in the office of the secretary of state, be subject to the inspection and examination of any person desiring it.

§ 2. That when applied to by any citizen of this commonwealth, and the usual and legal clerk's fee for copying tendered to him, said secretary is hereby directed and required to furnish to such person a copy or copies of such petitions, certified and sealed officially; and for any neglect or refusal of said secretary to furnish such copies, when applied to, and the proper fees tendered him, he shall forfeit and pay to the person so applying the sum of one hundred dollars, to be recovered by such person by action at law.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading being dispensed with,

The question was taken on the third reading of said bill, and it was decided in the negative. So the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Ritter and Wallace, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Overton P. Hogan,	John W. Ritter,
Sam. Daviess Delany,	John W. Leathers,	Caleb B. Wallace—6.

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Robert A. Patterson,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
John P. Bruce,	John C. Kouns,	Nathaniel P. Saunders,
Walter Chiles,	Thomas P. Linthicum,	James M. Shepard,
John Eaker,	William N. Marshall,	Berry Smith,
Abijah Gilbert,	Daniel Morgan,	William Sterett,
James W. Hays,	Fitch Munger,	Daniel Waits—21.

A bill from the House of Representatives, entitled, an act to change certain districts in Garrard and Nicholas counties, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with, said bill was amended.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title be amended to read, "an act in relation to certain Magistrates' districts in Garrard, Nicholas, Taylor, and Pendleton counties."

A bill from the House of Representatives, entitled, an act repealing all laws authorizing allowances to clerks and sheriffs for *ex officio* services, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Mr. Sterett moved to amend said bill, by adding thereto the following, viz:

Provided, That this act shall not apply to the counties which have less than one thousand qualified voters.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Daniel Morgan,	Camden Riley,
John P. Bruce,	Robert A. Patterson,	William Sterett—7.
Abijah Gilbert,		

Those who voted in the negative, were

Hall Anderson,	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	James M. Shepard,
Sam. Daviess Delany,	John W. Leathers,	Berry Smith,
John Eaker,	Thomas P. Linthicum,	Thomas J. Smith,
Richard C. Graves,	Beriah Magoffin,	Daniel Waits,
James W. Hays,	William N. Marshall,	Caleb B. Wallace—26.
Elihu Hogan,	Fitch Munger,	

Ordered, That said bill be read a third time.

Mr. Bruce moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative—(four-fifths not voting therefor.)

The yeas and nays being required thereon by Messrs. Bruce and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	John W. Ritter,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Nathaniel P. Saunders,
Joshua Buster,	John W. Leathers,	James M. Shepard,
Sam. Daviess Delany,	Thomas P. Linthicum,	Berry Smith,

John Eaker, Beriah Magoffin, Thomas J. Smith,
James W. Hays, William N. Marshall, Daniel Waits,
Elihu Hogan, Daniel Morgan, Caleb B. Wallace—26.
Overton P. Hogan, Camden Riley,

Those who voted in the negative, were

Mr. Speaker, (Grey,) Richard C. Graves, Robert A. Patterson,
John P. Bruce, Fitch Munger, William Sterett—7.
Abijah Gilbert,

Mr. Sterett, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Daviess county, praying the passage of a law to relieve non-slaveholders from supporting the institution of slavery, asked to be discharged from the further consideration thereof, which was granted, and the petition was withdrawn.

And then the Senate adjourned.

FRIDAY, MARCH 21, 1851.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills from that House, of the following titles, viz:

An act to charter the city of Louisville.

An act to amend an act to incorporate the town of Lancaster.

An act to authorize the County Court of Bourbon to issue bonds or to subscribe stock in the Covington and Lexington, and in the Maysville and Lexington Railroad Companies.

An act to authorize the County Court of Montgomery to issue the bonds of said county for internal improvement purposes, and to establish a Board of Internal Improvement to manage said bonds.

An act to authorize the people of Logan county to tax themselves to assist in making the Louisville and Nashville Railroad, and for other Internal Improvements.

An act providing for running and marking the line between Knox and Harlan counties.

An act for the benefit of school districts in Cumberland county.

An act to change the boundaries of, and place of voting in Magistrates' and Constable's district No. 2, in Scott county, and the voting place of district No. 2, in Grant county.

An act to establish an additional Magistrates' and Constable's district in Nelson county.

That they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of Samuel G. Mullins, of Mercer county.

An act to change the place of voting in an election precinct in Jefferson county.

An act to incorporate the Newport Safety Fund Bank of Kentucky.

An act for the benefit of James McConnell.

An act for the benefit of James McBride.

An act to authorize the city of Covington to create two additional voting precincts in said city.

An act to incorporate the Washington Support and Health Insurance Company.

An act for the benefit of Col. R. T. P. Allen.

An act exempting every custom house, post office, court room, and other offices, that may be erected within this Commonwealth by the General Government, from taxation.

An act concerning coal mines in Hancock county.

An act for the benefit of C. N. Carder, Constable of Oldham county.

An act to incorporate the Big Bone Hotel Company.

An act to establish a levy and monthly County Court for Jefferson county.

An act to authorize the Grant County Court to lay an additional levy at their April or May term.

An act to incorporate the Mississippi and Nashville Railroad Company.

An act to authorize the county of Mercer and the county of Boyle to subscribe stock in Railroads and other roads within said counties.

An act to incorporate the Newport and Licking Turnpike and Plank Road Company.

An act prescribing the means and mode of opening and working roads in the county of Boone.

An act for the benefit of the Sheriff of Knox county.

An act to reduce into one the several acts concerning peddlers, and fixing the amount of tax to be paid by them.

An act in relation to the revenue.

An act for the benefit of A. W. Hamilton, and his securities, in a bond for public arms.

An act for the benefit of George J. Stockton, and his securities, in two bonds for public arms.

An act to establish an additional election precinct in Greenup county.

An act for the benefit of the 57th Regiment, in Garrard county.

An act concerning the Police Judge of the town of Hartford, in Ohio county.

An act to amend the act establishing the Morgantown Seminary.

An act in relation to the commissions of officers.

An act to charter the Danville and Bardstown Railroad Company.

An act to provide for the payment of the unpaid orders of the School Commissioners.

An act to amend an act, entitled, an act to organize County Courts in the several counties, approved March 11, 1851.

An act to incorporate the Lexington, Harrodsburg, and Bowlinggreen Railroad Company.

An act to incorporate the Glasgow and Burksville Turnpike and Plank Road Company.

With amendments to the last five named bills.

That they had passed bills of the following titles, viz:

An act to regulate the terms of the Clarke and Madison County Courts.

An act to provide for the election of a Police Judge in the town of Richmond.

An act for the benefit of Turnpike Roads in Lincoln county.

An act to authorize Constables in Louisville, and in certain districts in certain counties to appoint deputies.

An act to amend an act, entitled, an act to incorporate the Transylvania School of Dental Surgery, approved March 7, 1850.

An act to amend an act, entitled, an act to incorporate the town of Neatsville.

An act to authorize the Judge of the Scott Circuit Court to sign certain orders.

An act to amend the act incorporating the town of Mayslick.

An act to incorporate the Neptune Fire Engine and Hose Company, of Maysville.

An act supplemental to an act, entitled, an act to incorporate the Lexington Savings Institute, approved February 10, 1851.

An act to authorize the Chairman of the Board of Trustees of Paris to try misdemeanors in the breach of town ordinances.

An act for the benefit of the heirs of D. W. Holeman, deceased.

An act concerning the establishment of Ferries.

An act more effectually to protect the rights of persons holding an interest in slaves in reversion or remainder.

An act concerning the books and records of Justices of the Peace.

An act to legalize the subscription of stock by the Franklin County Court in the Stamping Ground and Frankfort Turnpike Road Company, and to authorize the city of Frankfort to take stock in said road.

An act to amend the charter of the Newtown and Leesburg Turnpike Road Company.

An act authorizing the Chancellor of the Louisville Chancery Court to direct certain streets and alleys in Shippingsport to be closed.

An act prohibiting the sale of liquor or goods to students in the Kentucky Military Institute.

An act in relation to the Marshal of the city of Frankfort.

An act to increase the powers of administrators with the will annexed.

An act for the benefit of Henry G. Mitchell and John Mitchell.

An act for the benefit of the subscribers to the Logan, Todd, and Christian Turnpike Road Company.

An act authorizing the Circuit Courts to create certain corporations.

An act to amend an act, entitled, an act to prevent the destruction of fish in Little Kentucky river.

An act relative to Assessors of Tax.

An act to change the place of voting in Jamestown, in Campbell county.

An act to establish an additional election precinct in Jefferson county.

An act to provide for the election of the Police Judge and Marshal of the town of Lawrenceburg, and changing the limits of said town.

An act requiring officers of this Commonwealth to execute official bonds, and prescribing the manner of such execution.

An act to authorize the Mayor and Council of the city of Louisville to provide for the times, places, and manner of holding the first election in 1851, under the charter of said city.

An act to establish two additional election precincts in Jefferson county.

An act for the benefit of Uriah G. Berry.

An act for the benefit of Philip Felton.

An act to abolish the General Court, and transfer its powers and jurisdiction to the Franklin Circuit Court.

Mr. Munger presented the petition of James McMillin, praying the passage of a law to allow him seventy-five dollars, money spent in the capture of a free negro fugitive from justice.

Which petition was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Leave was given to bring in the following bills, viz:

On motion of Mr. Wallace—1. A bill supplemental to the act incorporating the Deposit Bank of Danville.

On motion of Mr. Chiles—2. A bill to authorize the Chairman of the Board of Trustees of Winchester, and certain other officers of Clarke county to grant injunctions, writs of *ne exeat*, &c., in chancery proceedings.

The committee on Banks was directed to prepare and bring in the 1st, and the committee on the Judiciary the 2d.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to amend the law regulating tolls on the Wilderness Turnpike road.

The vote adopting the amendment to said bill was reconsidered, and said amendment was rejected.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended, to read, "an act to regulate tolls on the Crab Orchard and Madison fork of the Wilderness Turnpike road, and the management of the Goose Creek and Trough Spring branch of said road."

On motion of Mr. Shepard,

Ordered, That a message be sent to the House of Representatives, requesting the appointment of a similar committee on their part to act in conjunction with a committee on the part of the Senate, to wait on the Governor, and ask leave to withdraw an enrolled bill, which originated in the Senate, entitled, an act to amend an act, entitled, an act to amend and reduce into one the several acts relating to the town of Georgetown, approved March 1, 1847.

Ordered, That Mr. Shepard inform the House of Representatives thereof.

After a short time, a message was received from the House of Representatives, announcing the appointment of a committee on their part.

Whereupon, Mr. Shepard was appointed a committee on the part of the Senate, and after a short time returned with said bill.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their passage of said bill, which was granted, and the bill withdrawn.

Mr. Bruce, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Catlettsburg and Grayson Plank Road Company, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Irwin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to abolish the office of President of the Board of Internal Improvement, and change the organization of said Board, reported the same with an amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the office of president of the board of internal improvement shall be and the same is hereby abolished.

§ 2. That the governor for the time being shall be *ex officio* a member and president of said board.

§ 3. That said board shall hereafter consist of the governor as president, and of the first auditor of public accounts for the time being, who shall continue as such member until the first day of September, 1851, and of another member to be appointed by the governor, by and with the advice and consent of the senate, who shall hold his office for one year, and until the appointment and qualification of his successor; and from and after the said first day of September, the auditor of public accounts, for the time being, shall be a member of said board.

§ 4. That so much of the act, entitled, an act to amend the law establishing the board of internal improvement, approved March 3, 1842, as authorizes the appointment of a secretary of said board, at an annual salary of $500, shall be and the same is hereby repealed, and the said office of secretary of said board is hereby abolished.

§ 5. That the first auditor of public accounts shall, *ex officio*, perform the duties of secretary of said board until the first day of September, 1851, and thereafter the auditor of public accounts, for the time being, shall, *ex officio*, perform said duties.

The amendment reported by the committee is to strike out the first, second, and third sections of said bill.

Mr. Shepard moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Daniel Morgan,	Robert S. Russell,
James P. Barbour,	Fitch Munger,	James M. Shepard,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett,
Richard C. Graves,	Camden Riley,	Caleb B. Wallace—14.
Elihu Hogan,	John W. Ritter,	

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	Beriah Magoffin,
Camden M. Ballard,	Overton P. Hogan,	Thomas Rouse,
John P. Bruce,	James W. Irwin,	Nathaniel P. Saunders,
Joshua Buster,	Alfred Johnston,	Berry Smith,
Walter Chiles,	John C. Kouns,	Thomas J. Smith,
John Eaker,	John W. Leathers,	Daniel Waits—20.
Abijah Gilbert,	Thomas P. Linthicum,	

The amendment of the committee was then concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title be amended by striking out "president," and inserting "secretary."

Mr. Linthicum, from the committee on Circuit Courts, to whom was re-committed a bill from the House of Representatives, entitled, an act to increase the jurisdiction of Justices of the Peace, reported the same without amendment.

Mr. Patterson moved to amend said bill by striking out all after the enacting clause, and inserting in lieu thereof the following, viz:

"That the Justices of the Peace of this Commonwealth shall, hereafter, have concurrent jurisdiction in their respective *districts* with the Circuit Courts on all debts between fifty and one hundred dollars, on bonds or notes for the direct payment of money."

Mr. O. P. Hogan moved to amend said amendment, by adding, after the word "districts," the words "at their Spring and Fall terms only."

Mr. Marshall moved the previous question.

And the question being taken, "shall the main question be now put?" it was decided in the affirmative.

The main question was then put, "shall the amendment of Mr. O. P. Hogan be adopted?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Joshua Buster,	Overton P. Hogan,	Camden Riley,
Walter Chiles,	John W. Leathers,	John W. Ritter,
Sam. Daviess Delany,	Beriah Magoffin,	James M. Shepard,
Abijah Gilbert,	Daniel Morgan,	T. J. Smith,
Richard C. Graves,	Fitch Munger,	William Sterett—19.
James W. Hays,		

Those who voted in the negative, were

Hall Anderson,	Thomas P. Linthicum,	Nathaniel P. Saunders,
James P. Barbour,	William N. Marshall,	Berry Smith,
John Eaker,	Robert A. Patterson,	Daniel Waits,
Alfred Johnston,	Thomas Rouse,	Caleb B. Wallace—13.
John C. Kouns,		

The question was then taken, "shall the amendment of Mr. Patterson, as amended, be adopted?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	John W. Leathers,	John W. Ritter,
Joshua Buster,	Beriah Magoffin,	Robert S. Russell,
Richard C. Graves,	Daniel Morgan,	James M. Shepard,
James W. Hays,	Fitch Munger,	Thomas J. Smith,
Elihu Hogan,	Robert A. Patterson,	William Sterett,
Overton P. Hogan,	Hamilton Pope,	Caleb B. Wallace—20.
James W. Irwin,	Camden Riley,	

Those who voted in the negative, were

Hall Anderson,	Abijah Gilbert,	Thomas Rouse,
James P. Barbour,	Alfred Johnston,	Nathaniel P. Saunders,
Walter Chiles,	John C. Kouns,	Berry Smith,
Sam. Daviess Delany,	Thomas P. Linthicum,	Daniel Waits—14.
John Eaker,	Wm. N. Marshall,	

The question was then taken, "shall said bill be read a third time, as amended?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Bruce, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Abijah Gilbert,	Thomas Rouse,
Hall Anderson,	Elihu Hogan,	Robert S. Russell,
James P. Barbour,	Alfred Johnston,	Berry Smith,
John P. Bruce,	John C. Kouns,	Thomas J. Smith,
Joshua Buster,	Thomas P. Linthicum,	William Sterett,
Sam. Daviess Delany,	William N. Marshall,	Daniel Waits—20.
John Eaker,	Robert A. Patterson,	

Those who voted in the negative, were

Walter Chiles,	John W. Leathers,	Camden Riley,
Richard C. Graves,	Beriah Magoffin,	John W. Ritter,
James W. Hays,	Daniel Morgan,	Nathaniel P. Saunders,
Overton P. Hogan,	Fitch Munger,	James M. Shepard,
James W. Irwin,	Hamilton Pope,	Caleb B. Wallace—15.

Mr. Hays moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative—(four-fifths not voting therefor.)

The yeas and nays being required thereon by Messrs. Hays and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Abijah Gilbert,	Thomas Rouse,
Hall Anderson,	Elihu Hogan,	Robert S. Russell,
James P. Barbour,	Alfred Johnston,	Nathaniel P. Saunders,

John P. Bruce, John C. Kouns, Berry Smith,
Joshua Buster, William N. Marshall, Thomas J. Smith,
Walter Chiles, Robert A. Patterson, William Sterett,
Sam. Daviess Delany, Camden Riley, Daniel Waits—22.
John Eaker,

Those who voted in the negative, were

Richard C. Graves, Thomas P. Linthicum, Hamilton Pope,
James W. Hays, Beriah Magoffin, John W. Ritter,
Overton P. Hogan, Daniel Morgan, James M. Shepard,
James W. Irwin, Fitch Munger, Caleb B. Wallace—13.
John W. Leathers,

Mr. Linthicum moved a reconsideration of said vote.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and Gilbert, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Abijah Gilbert, Thomas Rouse,
Hall Anderson, Elihu Hogan, Robert S. Russell,
James P. Barbour, Alfred Johnston, Nathaniel P. Saunders,
John P. Bruce, John C. Kouns, Berry Smith,
Joshua Buster, Thomas P. Linthicum, Thomas J. Smith,
Sam. Daviess Delany, Wm. N. Marshall, Daniel Waits—16.
John Eaker,

Those who voted in the negative, were

Walter Chiles, Beriah Magoffin, Camden Riley,
Richard C. Graves, Daniel Morgan, John W. Ritter,
James W. Hays, Fitch Munger, James M. Shepard,
Overton P. Hogan, Robert A. Patterson, William Sterett,
James W. Irwin, Hamilton Pope, Caleb B. Wallace—19.
John W. Leathers,

The question was again taken on dispensing with the third reading of said bill, and it was decided in the negative—(four-fifths not voting therefor.)

The yeas and nays being required thereon by Messrs. Hays and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,) Elihu Hogan, Thomas Rouse,
Hall Anderson, Alfred Johnston, Robert S. Russell,
James P. Barbour, John C. Kouns, Nathaniel P. Saunders,
John P. Bruce, Thomas P. Linthicum, Berry Smith,
Joshua Buster, William N. Marshall, Thomas J. Smith,
Samuel Daviess Delany, Robert A. Patterson, William Sterett,
John Eaker, Camden Riley, Daniel Waits—22.
Abijah Gilbert,

Those who voted in the negative, were

Camden M. Ballard,	John W. Leathers,	Hamilton Pope,
Walter Chiles,	Beriah Magoffin,	John W. Ritter,
Richard C. Graves,	Daniel Morgan,	James M. Shepard,
James W. Hays,	Fitch Munger,	Caleb B. Wallace—13.
Overton P. Hogan,		

Mr. Sterett, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the city of Maysville, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act concerning free negroes and mulattoes, reported the same with an amendment as a substitute.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the assessors of tax in each county of this commonwealth, in the year one thousand eight hundred and fifty one, and every year thereafter, to ascertain and make due return thereof, of the name, age, sex, and color, whether black or mulatto, of each and every free negro and mulatto within each county; and the clerk of the county court shall make annually, within a book to be kept for that purpose, a full and complete register from the assessor's books, of all such free negroes and mulattoes so ascertained and returned, which shall be open at all times to any and all persons desiring access thereto.

§ 2. That it shall be the duty of the clerk of the county court of each county in this commonwealth, within the month of July of each year, to issue a summons in the name of the commonwealth, directed to the sheriff of his county, commanding each and every free negro and mulatto, by his or her name, within his county, who, if a male, shall be over the age of twenty-one and under the age of fifty years, and if a female, over the age of eighteen and under the age of forty-five years, to appear before him, at his office, within ten days after the service of such process, and to exhibit their freedom papers before said clerk, if any they have; and if they have no freedom papers, to produce such evidence as they can that he or she was free-born; and the clerk shall, thereupon, make a record in said book of all such as shall appear before him in obedience to such process, together with a description of the individual so appearing, including the name, age, sex, color, heighth, and visible marks upon his or her face, head, or hands, as well as a statement when and by whom he or she was emancipated, or, if free-born, where he or she was born, and who were his or her parents; and shall also make out a true

and complete copy of said record, accompanied with the seal of his office, and attested with his signature; and shall deliver such copy or certificate, so made out, to the person whose description it purports to be; and upon the delivery of said certificate by the clerk, to the person entitled thereto, he or she shall pay the sum of two dollars, of which the sum of fifty cents shall be retained by the clerk for his fees, and fifty cents to be paid over by him to the sheriff for his services, and the balance shall be accounted for and paid over by him, in the same manner and under the same regulations that he is by law required to account for and pay over tax on seals and deeds; but no tax for annexing the county seal shall be demanded: *Provided*, that not more than one certificate of freedom shall be issued to the same person, until the former is returned and destroyed by the clerk.

§ 3. That if any free negro or mulatto, being duly served with process as aforesaid, and failing to appear before the clerk within the time specified, or, if appearing, shall fail to comply with the requisitions of this act, it shall be the duty of said clerk to make return thereof to the next county court of his county, by way of information; and, thereupon, the court shall direct an attachment to issue against said free negro or mulatto so failing to appear, returnable to the next term of said court, to show cause, if any he or she can, why he or she shall not be fined for such failure; and said court, upon the return of said attachment executed, shall try said information in a summary manner, by the intervention of a jury, who may find said free negro or mulatto guilty, and assess a fine against him, her, or them, in any sum not exceeding ten dollars each; and thereupon, said court shall render judgment for the amount of said fine and the cost of the prosecution, and the clerk shall, within ten days after the adjournment of said court, issue a *capias profine* for the amount of said fine and cost, against such free negro or mulatto, by the authority of which the sheriff of the county, to whom the same same shall be directed, shall, unless the same be paid, take such free negro or mulatto into his possesion, and shall, at the next county court, proceed to hire out such free negro or mulatto to such person as will pay the amount of said execution for the shortest time of service; and the sheriff shall deliver such free negro or mulatto to the person so hiring, and shall take bond, with good surety, to secure the payment of said hire within three months, payable to the commonwealth of Kentucky, which bond shall have the force and effect of a replevin bond, and shall make return of said *capias profine*, together with said bond, to the clerk of his county, within ten days after such hiring; and when said bond shall fall due, the clerk shall issue an execution thereon, directed to the sheriff of the county where the obligors to said bond reside, for the amount thereof; and the said sheriff shall collect the same and pay it over to said clerk, and take his receipt therefor; and said clerk shall account for and pay over the same, in the same manner and under the same regulations as he is directed to account for and pay over tax on seals and deeds; and the hirer shall also enter into bond, with good surety, payable to the commonwealth of Kentucky, in the penalty of one thousand dollars, conditioned that he will not remove such free negro or mulatto without the bounds of the county where such hiring shall have taken place, during the term of service, and that he will treat such free negro or mulatto with humanity, and feed and clothe him well.

§ 4. The money thus collected and paid over by the clerks of this commonwealth shall be forever set apart and applied in aid of such free negroes and mulattoes as shall hereafter voluntarily emigrate from this state to Liberia—each emigrant to be entitled to receive therefrom the sum of fifty dollars, upon his or her producing to the auditor of public accounts a certificate, with the county seal annexed, from the clerk of the county court of the county in which such free negro or mulatto resides, stating that such free negro or mulatto is an actual resident of his county, and has executed bond with good surety, in double the amount to be drawn from the treasury, conditioned that he or she will, without delay, emigrate to Liberia, and never after return and settle in this state; and the auditor shall issue his warrant for the same, which shall be paid by the treasurer out of the fund aforesaid, and no other.

§ 5. That the assessor shall be allowed the sum of five cents for each free negro or mulatto listed and returned by him upon his books.

§ 6. That if any free negro or mulatto shall pass his or her certificate aforesaid to any person of color, whether that person be free or slave, for purposes in contravention of this act, or to aid and assist any slave or slaves in escaping from the service of his or her owner or owners, such free negro and mulatto shall be deemed guilty of felony, and shall, upon indictment by a grand jury, and upon conviction thereof before a jury of the country, be sentenced by the court before whom the trial be had, to undergo confinement at hard labor in the jail and penitentiary house of this commonwealth, for a period of not less than three nor more than eight years.

§ 7. That if any free negro or mulatto, now residing without the limits of this state, and hereafter moving to and settling in this state, or any free negro or mulatto now residing within this state, and having left and settled without the limits of this state, and shall return and settle again within the limits of this state, such free negro or mulatto shall be deemed guilty of felony, and shall, upon indictment by a grand jury, and upon conviction thereof before a jury of the country, be sentenced by the court before whom the trial shall be had, to undergo confinement at hard labor in the jail and penitentiary house of this commonwealth, for a period of not less than two nor more than five years.

§ 8. Persons convicted under the seventh section of this act, after they have served the time of confinement in the penitentiary, or after they may have been pardoned, who fail to leave, but remain in this state for a period of thirty days, shall be guilty of felony, and punished by confinement in the penitentiary for a period of not less than five nor more than ten years for each offense.

§ 9. That hereafter, no free negro or mulatto shall purchase or otherwise acquire any real estate within this state; nor shall they become the owner of any slave or slaves, unless for the purpose of carrying such slave or slaves without the bounds of this state; and any property or slave acquired contrary to this section, shall be forfeited to the commonwealth without office found, and shall be sold, under the direction of the court, and the proceeds of sale shall form a part of the fund as created by the fourth section of this act: *Provided*, that nothing in this section shall change the law of descent as to real estate and slaves owned by free negroes or mulattoes at the passage of this act.

The amendment as a substitute for said bill, reported by the committee, reads as follows:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the assessors of tax in each county of this commonwealth, in the year one thousand eight hundred and fifty-two, to ascertain and make due return thereof, of the name, age, sex, and color, whether black or mulatto, of each and every free negro and mulatto within each county; and the clerk of the county court shall make, within a book to be kept for that purpose, a full and complete register from the assessors' books, of all such free negroes and mulattoes so ascertained and returned, which shall be open at all times to any and all persons desiring access thereto.

§ 2. That it shall be the duty of the clerk of the county court of each county in this commonwealth, within the month of July, 1852, to issue a summons in the name of the commonwealth, directed to the sheriff of his county, commanding each and every free negro and mulatto, by his or her name, within his county, who, if a male, shall be over the age of twenty-one and under the age of fifty years, and if a female, over the age of eighteen and under the age of forty-five years, to appear before the judge of the county court at the next term thereof, if the process is served ten days before the court, and to exhibit their freedom papers before said court, if any they have; and if they have no freedom papers, to produce such evidence as they can that he or she was free-born; and the judge shall, thereupon, cause to be recorded by the clerk in said book all such as shall appear before said court in obedience to such process, together with a description of the individual so appearing, including the name, age, sex, color, heighth, and visible marks upon his or her face, head, or hands, as well as a statement when and by whom he or she was emancipated, or, if free-born, where he or she was born, and who were his or her parents; and said clerk shall also make out a true and complete copy of said record, accompanied with the seal of his office, and attested with his signature; and shall deliver such copy or certificate, so made out, to the person whose description it purports to be; and upon the delivery of said certificate by the clerk, to the person entitled thereto, he or she shall pay the sum of two dollars, of which the sum of fifty cents shall be retained by the clerk for his fees, and fifty cents to be paid over by him to the sheriff for his services, and the balance shall be accounted for and paid over by him, in the same manner and under the same regulations that he is by law required to account for and pay over tax on seals and deeds; but no tax for annexing the county seal shall be demanded: *Provided*, that not more than one certificate of freedom shall be issued to the same person, until the former is returned and destroyed by the clerk.

§ 3. That if any free negro or mulatto, being duly served with process, as aforesaid, shall fail to appear before the court within the time specified, and comply with the requisitions of this act, it shall be the duty of said county court to direct an attachment to issue against said free negro or mulatto so failing to appear returnable to the next term of said court, to show cause, if any he or she can, why he or she shall not be fined for such failure; and said court, upon the return of said attachment executed, shall try said information in a summary man-

ner, by the intervention of a jury, who may find said free negro or mulatto guilty, and assess a fine against him, her, or them, in any sum not exceeding ten dollars each; and thereupon, said court shall render judgment for the amount of said fine and the cost of the prosecution, and the clerk shall, within ten days after the adjournment of said court, issue a *capias profine* for the amount of said fine and cost, against such free negro or mulatto, by the authority of which the sheriff of the county, to whom the same shall be directed, shall, unless the same be paid, take such free negro or mulatto into his possesion, and shall, at the next county court, proceed to hire out such free negro or mulatto to such person as will pay the amount of said execution for the shortest time of service; and the sheriff shall deliver such free negro or mulatto to the person so hiring, and shall take bond, with good surety, to secure the payment of said hire within three months, payable to the commonwealth of Kentucky, which bond shall have the force and effect of a replevin bond, and shall make return of said *capias profine*, together with said bond, to the clerk of his county, within ten days after such hiring; and when said bond shall fall due, the clerk shall issue an execution thereon, directed to the sheriff of the county where the obligors to said bond reside, for the amount thereof; and the said sheriff shall collect the same and pay it over to said clerk, and take his receipt therefor; and said clerk shall account for and pay over the same, in the same manner and under the same regulations as he is directed to account for and pay over tax on seals and deeds; and the hirer shall also enter into bond, with good surety, payable to the commonwealth of Kentucky, in the penalty of one thousand dollars, conditioned that he will not remove such free negro or mulatto without the bounds of the county where such hiring shall have taken place, during the term of service, and that he will treat such free negro or mulatto with humanity, and feed and clothe him well.

§ 4. The money thus collected and paid over by the clerks of this commonwealth shall be forever set apart and applied in aid of such free negroes and mulattoes as shall hereafter voluntarily emigrate from this state to Liberia—each emigrant to be entitled to receive therefrom the sum of fifty dollars, upon his or her producing to the auditor of public accounts a certificate, with the county seal annexed, from the clerk of the county court of the county in which such free negro or mulatto resides, stating that such free negro or mulatto is an actual resident of his county, and has executed bond with good surety, in double the amount to be drawn from the treasury, conditioned that he or she will, without delay, emigrate to Liberia, and never after return and settle in this state; and the auditor shall issue his warrant for the same, which shall be paid by the treasurer out of the fund aforesaid, and no other.

§ 5. That the assessor shall be allowed the sum of five cents for each free negro or mulatto listed and returned by him upon his books.

§ 6. That if any free negro or mulatto shall pass his or her certificate aforesaid to any person of color, whether that person be free or slave, for purposes in contravention of this act, or to aid and assist any slave or slaves in escaping from the service of his or her owner or owners, such free negro and mulatto shall be deemed guilty of felony, and shall,

upon indictment by a grand jury, and upon conviction thereof before a jury of the country, be sentenced by the court before whom the trial be had, to undergo confinement at hard labor in the jail and penitentiary house of this commonwealth, for a period of not less than three nor more than eight years.

§ 7. That if any free negro or mulatto, now residing without the limits of this state, and hereafter moving to and settling in this state, or any free negro or mulatto now residing within this state, and having left and settled without the limits of this state, and shall return and settle again within the limits of this state, such free negro or mulatto shall be deemed guilty of felony, and shall, upon indictment by a grand jury, and upon conviction thereof before a jury of the country, be sentenced by the court before whom the trial shall be had, to undergo confinement at hard labor in the jail and penitentiary house of this commonwealth, for a period of not less than two nor more than five years.

§ 8. Persons convicted under the seventh section of this act, after they have served the time of confinement in the penitentiary, or after they may have been pardoned, who fail to leave, but remain in this state for a period of thirty days, shall be guilty of felony, and punished by confinement in the penitentiary for a period of not less than five nor more than ten years for each offense.

Mr. O. P. Hogan moved to amend said amendment by adding thereto the following section, viz:

§ 9. That hereafter, no free negro or mulatto shall purchase or otherwise acquire any real estate within this state; nor shall they become the owner of any slave or slaves, unless for the purpose of carrying such slave or slaves without the bounds of this state; and any property or slave acquired contrary to this section, shall be forfeited to the commonwealth without office found, and shall be sold, under the direction of the court, and the proceeds of sale shall form a part of the fund as created by the fourth section of this act: *Provided*, that nothing in this section shall change the law of descent as to real estate and slaves owned by free negroes or mulattoes at the passage of this act.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Graves, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	John C. Kouns,
James P. Barbour,	Overton P. Hogan,	John W. Leathers,
John Eaker,	James W. Irwin,	Thomas Rouse,
Richard C. Graves,	Alfred Johnston,	Nathaniel P. Saunders—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Thomas P. Linthicum,	Camden Riley,
Camden M. Ballard,	Beriah Magoffin,	John W. Ritter,
Joshua Buster,	Wm. N. Marshall,	James M. Shepard,
Walter Chiles,	Daniel Morgan,	Berry Smith,
Sam. Daviess Delany,	Fitch Munger,	William Sterett,
Abijah Gilbert,	Hamilton Pope,	Daniel Waits—19.
James W. Hays,		

Mr. O. P. Hogan moved to amend said amendment by adding thereto the following section, viz:

§ 9. That hereafter, no free negro or mulatto shall purchase or otherwise become the owner of any slave or slaves in this state, unless for the purpose of carrying such slave or slaves without the bounds of this state; and any property or slave acquired contrary to this section, shall be forfeited to the commonwealth without office found, and shall be sold, under the direction of the court, and the proceeds of sale shall form a part of the fund as created by the fourth section of this act.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Leathers, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	Camden Riley,
Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
James P. Barbour,	John C. Kouns,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
John Eaker,	Thomas P. Linthicum,	James M. Shepard,
Richard C. Graves,	Beriah Magoffin,	Berry Smith,
James W. Hays,	William N. Marshall,	William Sterett,
Elihu Hogan,	Fitch Munger,	Daniel Waits—26.
Overton P. Hogan,	Hamilton Pope,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Sam. Daviess Delany,	Daniel Morgan—5.
Walter Chiles,	Abijah Gilbert,	

Mr. Sterett moved to amend said amendment, by adding thereto the following proviso, viz:

Provided, That a free negro or mulatto may buy a husband, wife, father, mother, or child.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sterett and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Daniel Morgan,	James M. Shepard,
Walter Chiles,	Hamilton Pope,	Berry Smith,
Sam. Daviess Delany,	Camden Riley,	William Sterett,
Beriah Magoffin,	John W. Ritter,	Daniel Waits—12.

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	John W. Leathers,
Camden M. Ballard,	Elihu Hogan,	Thomas P. Linthicum,
James P. Barbour,	Overton P. Hogan,	Wm. N. Marshall,
Joshua Buster,	James W. Irwin,	Fitch Munger,
John Eaker,	Alfred Johnston,	Thomas Rouse,
Abijah Gilbert,	John C. Kouns,	Nathaniel P. Saunders—19.
Richard C. Graves,		

The question was then taken on the adoption of the amendment reported by the committee, as amended, in lieu of the original bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Leathers, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
Camden M. Ballard,	Elihu Hogan,	Camden Riley,
Joshua Buster,	John W. Leathers,	Nathaniel P. Saunders,
Walter Chiles,	Thomas P. Linthicum,	Berry Smith,
Samuel Daviess Delany,	Beriah Magoffin,	William Sterett,
Abijah Gilbert,	William N. Marshall,	Daniel Waits—20.
Richard C. Graves,	Daniel Morgan,	

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	John W. Ritter,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
John Eaker,	John C. Kouns,	James M. Shepard—11.
Overton P. Hogan,	Hamilton Pope,	

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Ritter, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Elihu Hogan,	Fitch Munger,
Hall Anderson,	Overton P. Hogan,	Camden Riley,
Camden M. Ballard,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Berry Smith,
Abijah Gilbert,	Beriah Magoffin,	William Sterett,
Richard C. Graves,	William N. Marshall,	Daniel Waits—20.
James W. Hays,	Daniel Morgan,	

Those who voted in the negative, were

James P. Barbour,	James W. Irwin,	John W. Ritter,
Walter Chiles,	Alfred Johnston,	Nathaniel P. Saunders,
Sam. Daviess Delany,	John C. Kouns,	James M. Shepard—11.
John Eaker,	Hamilton Pope,	

Resolved, That the title of said bill be as aforesaid.

The following bills were reported, viz:

By Mr. Pope, from the committee on the Judiciary—A bill to amend an act, entitled, an act to incorporate the town of West Point, in Hardin county, approved January 15, 1848.

By same—A bill to amend the charter of the town of Crab Orchard.

By same—A bill authorizing the Chairman of the Board of Trustees of Winchester, and certain other public officers, to grant injunctions, &c.

By Mr. O. P. Hogan, from the committee on County Courts—A bill in relation to the books and papers of various officers.

By Mr. Linthicum, from the committee on Circuit Courts—A bill to impose a tax upon the sale of lottery tickets.

By Mr. Magoffin, from a select committee—A bill to incorporate a Turnpike or Plank Road Company in the county of Franklin.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Irwin,

Ordered, That leave of absence, for the remainder of the session, be granted to Mr. Bruce.

A bill from the House of Representatives, entitled, an act for the benefit of Francis McCauley, came up in the orders of the day.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act repealing all laws authorizing allowances to Clerks and Sheriffs for *ex officio* services, was read a third time.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sterett and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	William N. Marshall,
Sam. Daviess Delany,	Alfred Johnston,	Nathaniel P. Saunders,
John Eaker,	John C. Kouns,	Berry Smith,
James W. Hays,	John W. Leathers,	Thomas J. Smith,
Elihu Hogan,	Thomas P. Linthicum,	Daniel Waits—16.
Overton P. Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	Thomas Rouse,
Walter Chiles,	Fitch Munger,	William Sterett—7.
Abijah Gilbert,		

Resolved, That the title of said bill be as aforesaid.

A bill providing for the relief and discharge of securities for public officers, came up in the orders of the day.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the House of Representatives to bills from the Senate, of the following titles, viz:

An act to amend the charter of the Louisville and Frankfort Railroad Company.

An act to amend the exemption laws.

An act to change the place of voting in the 5th district, in Nicholas county.

An act to incorporate the Glasgow and Burksville Turnpike and Plank Road Company.

An act to charter the Danville and Bardstown Railroad Company.

An act to incorporate the Lexington, Harrodsburg, and Bowlinggreen Railroad Company.

Were taken up, twice read, and concurred in.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend an act, entitled, an act to organize County Courts in the several counties, approved March 11, 1851, were taken up, twice read, and concurred in, with an amendment.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to provide for the payment of the unpaid orders of the School Commissioners, were taken up and twice read.

The proviso to said bill reads as follows, viz:

Provided, The said Auditor is *not* to change the amount of said orders to the Board of Education.

The first amendment proposed by the House of Representatives is to strike out the word "*not*."

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	Nathaniel P. Saunders,
James P. Barbour,	John C. Kouns,	James M. Shepard,
Joshua Buster,	John W. Leathers,	Berry Smith,
Sam. Daviess Delany,	Beriah Magoffin,	T. J. Smith,
Richard C. Graves,	Fitch Munger,	William Sterett—19.
James W. Hays,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
John Eaker,	Thomas P. Linthicum,	John W. Ritter,
Abijah Gilbert,	Daniel Morgan,	Thomas Rouse—9.

The second amendment proposed by the House of Representatives is to add to said bill the following proviso, viz:

Provided further, That the Superintendent of Public Instruction shall not hereafter draw his draft for a greater sum of money than the avails of the school fund, due at the time of drawing.

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Hays, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Hays,	Fitch Munger,
Joshua Buster,	James W. Irwin,	Hamilton Pope,
Sam. Daviess Delany,	John W. Leathers,	Camden Riley,
John Eaker,	William N. Marshall,	John W. Ritter,
Abijah Gilbert,	Daniel Morgan,	Nathaniel P. Saunders—15.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	James M. Shepard,
Camden M. Ballard,	Alfred Johnston,	Berry Smith,
James P. Barbour,	Thomas P. Linthicum,	Thomas J. Smith,
Richard C. Graves,	Beriah Magoffin,	William Sterett—14.
Elihu Hogan,	Thomas Rouse,	

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled,

An act defining the boundaries of the Magistrates' and Constables' Districts in Pulaski county.

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to alter certain districts in Barren county.

An act to incorporate Springhill Lodge, No. 139, at Crab Orchard.

An act making Lafayette, in Christian county, a place of voting.

An act concerning certain Magistrates' and Constables' districts in Lewis county.

An act further to define the powers of the Trustees of Winchester, and extend the privileges of its citizens.

An act concerning Justices' and Constables' districts in Monroe county.

An act to change a voting place and certain Magistrates' and Constables' districts in Ohio county.

An act to amend the acts incorporating the Paris, Winchester, and Kentucky River Turnpike Road Company, and to authorize a transfer to the same of the Winchester and Kentucky River Turnpike Road Company's effects, &c.

An act to incorporate the Winchester, Kiddville, and Mountsterling Turnpike Road Company.

An act for the benefit of John M. Gallagher.

An act fixing the period of Clerks and other officers listing their fee bills for collection in the present year.

An act to amend the boundaries of District No. 5, in Pendleton county.

An act to establish the town of Woodville, in the county of Mason.

An act to incorporate the Owensboro' Building Company.

An act to amend the charter of the Lexington and Frankfort Railroad Company.

An act authorizing a change of the voting place in district No. 3, in Trimble county.

An act to incorporate the Owenton and Scott County Line Turnpike Road Company.

An act for the benefit of William T. Dudley, Clerk of the Fleming County Court

An act to incorporate Hancock Lodge, No. 115, in Hancock county.

An act to legalize the proceedings of the Bracken County Court, at its October term, 1850.

An act providing for the collection, by the Sheriffs elected in May next, of the revenue of the present year.

An act for the benefit of Aaron Dawson, Edward McClure, and John L. McCann.

An act to extend the limits of Magistrates' and Constable's district, No. 7, in Knox county.

An act to amend the charter of the Falls City Insurance Company, approved February 20, 1851.

An act to extend the limits of Independence, in Kenton county.

An act for the benefit of the Mechanics of Pulaski county.

An act to incorporate the town of Raleigh, in Union county.

An act for the benefit of school districts in Cumberland county.

An act for the benefit of certain school districts in Meade, Knox, Whitley, Nelson, and Greenup counties.

An act regulating the duties of the Christian County Court in laying the levy.

An act to amend the charter of the Covington and Lexington Turnpike

Road Company, and to incorporate the Georgetown and Dry Ridge Turnpike Road Company as a separate and independent Company.

An act to change the Justices' districts in Muhlenburg county, and to establish an election precinct.

An act concerning districts for the election of Justices of the Peace and Constables, to authorize the establishment of an additional district, and to change a place of voting in one district in Caldwell county.

An act to prevent the destruction of fish in Floyd's fork.

An act to amend the charter of the Versailles and Shryock's Ferry Turnpike Road Company.

An act to amend an act incorporating the Newtown and Leesburg Turnpike Road Company.

An act to amend an act, entitled, an act to incorporate the Sardis Turnpike Road Company, approved March 1, 1848.

An act providing for special terms of the County Courts.

An act regulating the duties of the Clarke County Court, and the appointment of the County Treasurer.

An act to amend an act, approved January 29, 1846, incorporating the town of Hillsboro', in Fleming county.

An act to establish the town of Lovelaceville, in Ballard county.

An act to change the boundary and place of voting in certain Magistrates' and Constables' districts in Shelby county, and to provide for changing the voting place in district No. 5, in Hopkins county.

An act changing the boundary of Justices' district No. 6, in Marion county.

An act concerning Magistrates' and Constables' districts.

An act to establish the July term of the Wayne County Court.

An act to amend the Justices' district of Lewisburg, in the county of Mason.

An act to appoint Commissioners to change the boundaries of certain Magistrates' and Constables' districts in Owen county.

An act to authorize the County Court of Bourbon to issue bonds or to subscribe stock in the Covington and Lexington, and in the Maysville and Lexington Railroad Companies.

An act to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Company.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to

the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act to establish two additional election precincts in Bullitt county.

An act for the benefit of Philip Felton.

An act for the benefit of Uriah G. Berry.

An act to authorize the Mayor and Council of the city of Louisville to provide for the times, places, and manner of holding the first election in 1851, under the charter of said city.

An act requiring officers of this Commonwealth to execute official bonds, and prescribing the manner of such execution.

An act to provide for the election of the Police Judge and Marshal of the town of Lawrenceburg, and changing the limits of said town.

An act to establish an additional election precinct in Jefferson county.

An act to change the place of voting in Jamestown, in Campbell county.

An act relative to Assessors of Tax.

An act to amend an act, entitled, an act to incorporate the Transylvania School of Dental Surgery, approved March 7, 1850.

An act in relation to the Marshal of the city of Frankfort.

An act supplemental to an act, entitled, an act to incorporate the Lexington Savings Institute, approved February 10, 1851.

An act for the benefit of Henry G. Mitchell and John Mitchell.

An act for the benefit of Turnpike Roads in Lincoln county.

An act to provide for the election of a Police Judge in the town of Richmond.

An act to legalize the subscription of stock by the Franklin County Court in the Stamping Ground and Frankfort Turnpike Road Company, and to authorize the city of Frankfort to take stock in said road.

An act to amend the charter of the Newtown and Leesburg Turnpike Road Company.

Ordered, That said bills be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act to authorize Constables in Louisville, and in certain districts in certain counties to appoint deputies.

2. An act regulating the terms of the Clarke and Madison County Courts.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the committee on the Judiciary, and the 2d was amended, and ordered to be read a third time.

The constitutional provision as to the third reading of the 2d bill being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

SATURDAY, MARCH 22, 1851.

A message was received from the House of Representatives, announcing their disagreement to the amendment of the Senate, to the amendment proposed by that House to a bill from the Senate, entitled, an act to amend the charter of the Southern Bank of Kentucky.

That they had disagreed to the amendments proposed by the Senate to a bill from that House, entitled, an act to abolish the office of President of the Board of Internal Improvement, and change the organization of said board.

That they had concurred in the 1st, 2d, 3d, 4th, 6th, 7th, and 8th, and disagreed to the 5th amendment proposed by the Senate to a bill from that House, entitled, an act to fix the salaries of certain officers.

That they had concurred in the amendment of the Senate, to the amendment proposed by that House to a bill from the Senate, entitled, an act to amend an act, entitled, an act to organize County Courts in the several counties, approved March 11, 1851.

That they had concurred in the amendments proposed by the Senate, to bills from that House, of the following titles, viz:

An act concerning free negroes and mulattoes.

An act to incorporate the Catlettsburg and Grayson Plank Road Company.

An act to amend the charter of the city of Maysville.

An act to amend the law regulating tolls on the Wilderness Turnpike Road.

An act to change certain Magistrate's districts in Garrard and Nicholas counties.

An act regulating the terms of the Clarke and Madison County Courts.

That they had disagreed to bills from the Senate, of the following titles, viz :

An act for the benefit of the heirs of Benjamin F. Thomas, deceased.

An act for the benefit of Philip F. Jones.

An act prescribing the duties of Assessors of Tax.

An act concerning the sale of spirituous liquors in the town of Prestonsburg.

An act for the benefit of Col. Ambrose Arthur.

That they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of George Johnson, of Morganfield.

An act to amend an act, entitled, an act to incorporate the town of Shelbyville, approved February 21, 1846.

An act providing for the relief and discharge of securities for public officers.

An act for the benefit of G. W. V. McConnell, of Woodford county.

An act to authorize the Trustees of the town of Versailles and the County Court of Woodford to give power to a company to establish water works in said town.

An act to establish an additional election precinct in Scott county.

An act to change the Magistrates' and Constables' districts in Carter county.

An act to amend an act, entitled, an act to incorporate the town of West Point, in Hardin county, approved January 15, 1848.

An act to incorporate a Turnpike or Plank Road Company in the county of Franklin.

An act for the benefit of Charles C. Kelly, Clerk of the Washington Circuit Court.

An act to provide for the organization of the militia of this State.

An act to amend the act incorporating the Lebanon, New Market, and Springfield Turnpike Road Company, approved February 18, 1848.

An act to provide for a special Court of Appeals.

An act allowing the Clerk of the Washington Circuit Court further time to collect fee bills.

An act to amend an act, entitled, an act to amend and reduce into one the several acts relating to the town of Georgetown, approved March 1, 1847.

An act to authorize the County Court of Christian to subscribe stock in the Henderson and Nashville Railroad Company.

An act giving officers further time to collect precepts, taxes, and fees.

An act to authorize the Circuit Courts of this Commonwealth to direct the sale of the real estate of lunatics.

An act to authorize the sale of the estates of infants and *femes covert*.

With amendments to the last nine named bills; which amendments were taken up, twice read, and concurred in.

That they had passed bills of the following titles, viz:

An act concerning County Courts in Monroe County.

An act supplemental to an act to prevent the destruction of fish in Barebone Creek.

An act to legalize a survey on Wolf creek, in behalf of William McGuire.

An act to prevent free negroes from immigrating to, or slaves emancipated from remaining in the State.

An act to repeal an act for the benefit of the devisees of Alfred Payne, approved March 7, 1850.

An act to incorporate the Georgetown and Lemon Mill Turnpike Road Company.

An act to incorporate the Iron Works Turnpike Road Company.

An act to repeal an act for the benefit of H. W. Martin, approved March 7, 1850, and for other purposes.

An act to amend the act incorporating the Mayslick and Sardis Turnpike Road Company.

An act to establish a State road in the counties of Caldwell, Livingston, and McCracken.

An act to amend an act, entitled, an act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes, approved February 22, 1834.

An act to amend the charter of the Cynthiana and Millersburg Turnpike Road Company.

An act to incorporate the Dallasburg Seminary, in Owen county.

An act for the benefit of certain common school districts in the counties of Fayette, Floyd, and Cumberland.

Mr. Magoffin presented the petition of sundry citizens of Mercer county, praying the passage of a law to change the boundaries of district No. 2, in said county.

Which petition was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

Executive Department,
Frankfort, March 22, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent, Edmund H. Taylor, Jr., to be Notary Public for Franklin county.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

Mr. Irwin, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act to amend the charter of the Oakland Turnpike Company, approved February 14, 1850, reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative.

So the said bill was disagreed to.

Mr. Chiles, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act organizing the department of the Auditor of Public Accounts, and fixing the salaries of the officers of said department, reported the same with amendments, which were concurred in.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Eaker, from the same committee, reported a bill for the appropriation of money, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Mr. Saunders moved to strike out the 42d item of said bill, which reads as follows, viz:

To Ben. Hardin, Jr., one dollar and fifty cents per day, for his services as Assistant Sergeant in the House of Representatives.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Saunders and Linthicum, were as follows, viz:

In the affirmative—Nathaniel P. Saunders.

Those who voted in the negative, were

Hall Anderson,	James W. Hays,	Robert A. Patterson,
Camden M. Ballard,	Elihu Hogan,	Hamilton Pope,
William C. Bullock,	Overton P. Hogan,	Camden Riley,
Joshua Buster,	James W. Irwin,	John W. Ritter,
Walter Chiles,	John C. Kouns,	Robert S. Russell,
Sam. Daviess Delany,	John W. Leathers,	James M. Shepard,
John Eaker,	Thomas P. Linthicum,	Berry Smith,
Abijah Gilbert,	Beriah Magoffin,	Thomas J. Smith,
Richard C. Graves,	Fitch Munger,	William Sterett—27.

Said bill was amended.

Ordered, That said bill be engrossed and read a third time, as amended.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being taken thereon in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Richard C. Graves,	Fitch Munger,
Hall Anderson,	James W. Hays,	Robert A. Patterson,
Camden M. Ballard,	Elihu Hogan,	Hamilton Pope,
William C. Bullock,	Overton P. Hogan,	Camden Riley,
Joshua Buster,	James W. Irwin,	John W. Ritter,
Walter Chiles,	John W. Leathers,	Robert S. Russell,
John Eaker,	Beriah Magoffin,	James M. Shepard,
Abijah Gilbert,	Daniel Morgan,	William Sterett—24.

Those who voted in the negative, were

Sam. Daviess Delany,	William N. Marshall,	Nathaniel P. Saunders,
John C. Kouns,	Thomas Rouse,	Berry Smith—7.
Thomas P. Linthicum,		

Resolved, That the title of said bill be as aforesaid.

Mr. O. P. Hogan, from the joint committee on Public Offices, made the following report, viz:

The committee on public offices report that they have not very critically examined the public offices and buildings, but are satisfied that the books, accounts, and papers of the auditor of public accounts, second auditor, treasurer, and register of the land office, have been kept with correctness.

The public buildings are in a *tolerable* condition.

Your committee suggest that the propinquity of certain "gas works" to this capitol neither add to the beauty of the prospect nor to the comfort of the legislature, but producing as they do the "most villainous compound of foul scents" that human olfactories are ever subject to. We regard these gas works as a nuisance, and conceive that the loca-

tion of either the gas works or the capitol be changed to some other part of Frankfort.

All of which is respectfully submitted.

JOHN RODMAN, *Ch'mn H. R. Com.*
O. P. HOGAN, *Ch'mn Sen. Com.*
JAMES P. BARBOUR,
S. D. DELANY,

Mr. O. P. Hogan, from the same committee, reported a bill to provide for the building of an iron railing fence around the Capitol square, which was read the first time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Richard C. Wintersmith, Edmund H. Taylor, Philip Swigert, and Ambrose W. Dudley, be and are hereby appointed commissioners for the purpose of having the public grounds around the capitol properly enclosed, with a suitable wrought or cast iron railing, and, if necessary, an underpinning of cut stone.

§ 2. That said commissioners, before making any contract, shall advertise in the two papers published in Frankfort, one paper in Louisville, one paper in Covington, and one paper in Lexington, for proposals and designs for said enclosure; but before any contract shall be finally closed, the same shall be approved of by the Governor.

§ 3. That the sum of three thousand dollars is hereby appropriated to carry this act into effect, to be drawn for by the said commissioners, or a majority of them, from time to time, as the same may be needed; and the auditor is hereby required to issue his warrant for the same, to be paid out of any moneys in the treasury not otherwise appropriated.

§ 4. That the commissioners appointed by the first section of this act shall not contract for a fence that will cost more than the appropriation made in the third section of this bill.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading being dispensed with;

Mr. Irwin moved to amend said bill, by adding thereto the following, viz:

"Nor shall said appropriation be drawn from the treasury until the work shall have been completed."

Mr. Barbour moved to amend said amendment, by inserting after the word "shall," in the first line, the words "more than one half of."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barbour and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	Overton P. Hogan,	Thomas Rouse,
William C. Bullock,	Alfred Johnston,	Nathaniel P. Saunders,

Joshua Buster,	John C. Kouns,	Berry Smith,
Sam. Daviess Delany,	John W. Leathers,	William Sterett,
John Eaker,	Wm. N. Marshall,	Daniel Waits,
James W. Hays,	Daniel Morgan,	Caleb B. Wallace—21.

Those who voted in the negative, were

Hall Anderson,	Thomas P. Linthicum,	John W. Ritter,
Walter Chiles,	Robert A. Patterson,	Robert S. Russell,
Richard C. Graves,	Camden Riley,	James M. Shepard—9.

The amendment of Mr. Irwin, as amended, was then adopted.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of said bill, and it was decided in the negative; so the said bill was rejected.

The yeas and nays being taken thereon in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

James P. Barbour,	Elihu Hogan,	Fitch Munger,
William C. Bullock,	Overton P. Hogan,	Robert A. Patterson,
Walter Chiles,	John C. Kouns,	Hamilton Pope,
Samuel Daviess Delany,	John W. Leathers,	John W. Ritter,
Joh Eaker,	Thomas P. Linthicum,	Thomas Rouse,
Richard C. Graves,	Daniel Morgan,	James M. Shepard—18.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Nathaniel P. Saunders,
Hall Anderson,	Alfred Johnston,	Berry Smith,
Camden M. Ballard,	Beriah Magoffin,	Thomas J. Smith,
Joshua Buster,	William N. Marshall,	William Sterett,
Abijah Gilbert,	Camden Riley,	Daniel Waits,
James W. Hays,	Robert S. Russell,	Caleb B. Wallace—18.

Mr. Delany, from the committee on Banks, reported a bill supplemental to an act, entitled, an act to incorporate the Deposit Bank of Danville, which was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to authorize Constables in Louisville and in certain districts in certain counties to appoint Deputies, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the same committee, reported a bill authorizing the Secretary of State to employ additional Clerks for the present year, which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the secretary of state to employ as many clerks as he may deem necessary for the transaction of business in his office for the present year; and the sum of six hundred dollars is hereby appropriated to the secretary to pay them.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading being dispensed with,

The question was taken on engrossing and reading said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Saunders, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	John W. Ritter,
William C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Walter Chiles,	Fitch Munger,	William Sterett,
John Eaker,	Robert A. Patterson,	Daniel Waits,
Richard C. Graves,	Hamilton Pope,	Caleb B. Wallace—17.
James W. Hays,	Camden Riley,	

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	Wm. N. Marshall,
Camden M. Ballard,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	Berry Smith,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith—13.
Overton P. Hogan,		

Mr. Pope moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative—(four-fifths not voting therefor.)

The yeas and nays being required thereon by Messrs. Saunders and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Camden Riley,
William C. Bullock,	Thomas P. Linthicum,	John W. Ritter,
Walter Chiles,	Fitch Munger,	James M. Shepard,
John Eaker,	Robert A. Patterson,	William Sterett,
Richard C. Graves,	Hamilton Pope,	Caleb B. Wallace—16.
James W. Hays,		

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	Nathaniel P. Saunders,
Camden M. Ballard,	Alfred Johnston,	Berry Smith,
Joshua Buster,	John C. Kouns,	Thomas J. Smith,
Sam. Daviess Delany,	John W. Leathers,	Daniel Waits—14.
Overton P. Hogan,	William N. Marshall,	

The following bills were reported, viz:

By Mr. Hays, from the committee on the Judiciary—A bill to incorporate a Company to construct a bridge across Salt river.

By same—A bill to define the boundaries of certain Justices' and Constables' districts in Hardin county.

By Mr. Pope, from the same committee—A bill prohibiting the setting fire to leaves in the woods.

By same—A bill regulating proceedings against officers.

By same—A bill regulating the time of holding the Garrard Circuit Court.

By same—A bill to amend an act, entitled, an act to amend the Campbell Turnpike Road Company, and for other purposes, approved February 26, 1849.

By Mr. Munger, from the same committee—A bill for the benefit of the Maysville and Lexington Railroad Company, and the Louisville and Lexington Railroad Company.

By Mr. Morgan, from the committee on Propositions and Grievances—A bill to change the boundary lines of districts Nos. 1 and 2, in Mercer county.

By same—A bill for the benefit of James McMillin, of Mason county.

By Mr. Irwin, from the committee on Internal Improvement—A bill to amend the road law in Greenup county.

By Mr. E. Hogan, from a select committee—A bill to amend an act authorizing the county of Fayette to subscribe stock in Railroad companies.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Delany moved the following resolution, viz:

Resolved, That the state librarian shall make out a full and complete inventory of the furniture and other property appertaining to the state house for the use of the general assembly, and he shall deposit said inventory with the secretary of state, to be filed in his office; and it is hereby made the duty of the secretary of state to transmit a copy of said inventory to the next general assembly, within ten days after its meeting.

Which was adopted.

Mr. Munger moved the following resolution, viz:

Resolved, That the public printer be and he is hereby authorized to send, as soon as practicable, one hundred copies of the synopsis of the acts of the present session to each member of the Senate.

Which was adopted.

Mr. Eaker moved the following preamble and resolution, viz:

Whereas, the constitution has dedicated about one million four hundred thousand dollars, as a fund for common schools and educational purposes, which fund consists of bank stocks, state bonds, and lists of bonds; and there exists no law providing for the payment of interest upon said bonds and lists of bonds, except an act of 1st March, 1850, re-enacted at the present session, and which act directs the interest to be paid by the sinking fund, which act is deemed by the commissioners of the sinking fund to be unconstitutional and void, and have heretofore refused to be governed by it, and no doubt will still refuse; if so, the question must be settled by the judiciary, and may be settled in favor of the commissioners; in which event there will exist no means or provision for paying the interest upon said bonds, lists, &c., and the plighted faith of the state will be violated, the schools languish for want of the necessary means to which they are entitled, and thus the positive and imperative mandate of the constitution "to provide by law for the payment of the interest," be totally disregarded. Therefore,

Resolved, That it is the duty of the present general assembly to provide, by taxation, for the payment of the interest upon the school fund.

Mr. Magoffin moved to lay said preamble and resolution on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	Camden Riley,
Camden M. Ballard,	Overton P. Hogan,	Thomas Rouse,
James P. Barbour,	James W. Irwin,	Nathaniel P. Saunders,
William C. Bullock,	Alfred Johnston,	James M. Shepard,
Joshua Buster,	John C. Kouns,	Berry Smith,
Walter Chiles,	John W. Leathers,	William Sterett,
Sam. Daviess Delany,	Thomas P. Linthicum,	Daniel Waits,
Abijah Gilbert,	Beriah Magoffin,	Caleb B. Wallace—26.
Richard C. Graves,	William N. Marshall,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	John W. Ritter—5.
John Eaker,	Hamilton Pope,	

Mr. Eaker read and laid on the table, the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the public printer be and he is hereby directed and required to print a sufficient number of copies of the general laws, in pamphlet form, (the revised statutes and code of practice excepted,) passed during the pres-

ent session of the Legislature, for distribution at the earliest practicable period, and the secretary of state is hereby required to distribute them forthwith; one to each member and officer of the general assembly; one to each of the executive officers in Frankfort; one to each judge of the county court; one to each judge of the circuit court; one to each judge of the court of appeals, and one to each county and commonwealth's attorney.

The rule of the Senate requiring a joint resolution to lie one day on the table, being dispensed with, said preamble and resolution were taken up, twice read, and adopted.

The resolution directing the Commissioners of the Sinking Fund to pay into the Treasury the January instalment of interest due on the School Fund, read and laid on the table by Mr. Irwin on the 15th instant, was taken up.

Said resolution was amended by striking out the "20th inst.," as the day of payment, and inserting the "24th inst."

The question was then taken on the adoption of said resolution, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Beriah Magoffin,
Camden M. Ballard,	James W. Irwin,	William N. Marshall,
William C. Bullock,	Alfred Johnston,	Nathaniel P. Saunders,
Joshua Buster,	John C. Kouns,	Berry Smith,
Sam. Daviess Delany,	John W. Leathers,	Thomas J. Smith,
Richard C. Graves,	Thomas P. Linthicum,	Caleb B. Wallace—19.
Elihu Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Robert A. Patterson,	Thomas Rouse,
John Eaker,	Hamilton Pope,	James M. Shepard,
James W. Hays,	John W. Ritter,	William Sterett—10.
Fitch Munger,		

A bill from the House of Representatives, entitled, an act to authorize the running and re-marking the dividing line between Bath and Bourbon, and the amendment as a substitute therefor, proposed by the committee on the Judiciary, were taken up.

Said bill reads as follows, viz:

Whereas, the representative from the county of Bath entertains doubts as to whether said county and the county of Bourbon adjoin, and desires that a survey shall be made to ascertain that fact. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Bath may make an order requiring the surveyors of the counties of Bath and Bourbon to run and re-mark so much of the lines of those counties as shall be necessary to determine whether the said counties adjoin or not; and the county courts of said counties

shall allow, out of the levy of said counties, a sufficient compensation to said surveyors for their services, under the order of said court, as provided for by this act: *Provided*, that said work shall not be performed unless each of said surveyors be present and acting. And it shall be the duty of said surveyors to attend and make said survey, when required by the order of said Bath county court, under the penalty of twenty dollars each.

The amendment, as a substitute for said bill, reported by the committee on the Judiciary, reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That his excellency, the governor of this commonwealth, be and he is hereby requested to cause to be run and re-marked, by a competent surveyor, by him to be selected, residing out of Bath and Bourbon counties, so much of the lines of those counties as shall be necessary to determine whether the said counties adjoin or not; and said surveyor shall, in running the lines, be governed by the several statutes fixing the boundaries of those counties.

§ 2. That after said survey shall have been made and reported to him, it shall be the duty of the governor to lay it before the general assembly; and it shall be the duty of the county courts of Bath and Bourbon to allow and pay, out of the county levy, the surveyor a reasonable compensation for his services.

Mr. Hays moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Rouse, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Hays,	James W. Irwin—4.
James P. Barbour,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John C. Kouns,	John W. Ritter,
Camden M. Ballard,	John W. Leathers,	Thomas Rouse,
William C. Bullock,	Thomas P. Linthicum,	Robert S. Russell,
Joshua Buster,	Beriah Magoffin,	Nathaniel P. Saunders,
Sam. Daviess Delany,	William N. Marshall,	James M. Shepard,
John Eaker,	Fitch Munger,	Berry Smith,
Richard C. Graves,	Robert A. Patterson,	T. J. Smith,
Elihu Hogan,	Hamilton Pope,	William Sterett,
Overton P. Hogan,	Camden Riley,	Caleb B. Wallace—28.
Alfred Johnston,		

The question was then taken on the adoption of the amendment, as a substitute for said bill, reported by the committee on the Judiciary, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Magoffin, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker (Grey,)	Elihu Hogan,	Camden Riley,
Hall Anderson,	Thomas P. Linthicum,	John W. Ritter,
William C. Bullock,	Fitch Munger,	James M. Shepard,
Joshua Buster,	Robert A. Patterson,	William Sterett,
John Eaker,	Hamilton Pope,	Caleb B. Wallace—16.
Richard C. Graves,		

Those who voted in the negative, were

James P. Barbour,	Alfred Johnston,	Thomas Rouse,
Sam. Daviess Delany,	John C. Kouns,	Nathaniel P. Saunders,
James W. Hays,	John W. Leathers,	Berry Smith,
Overton P. Hogan,	Beriah Magoffin,	Thos. J. Smith—14.
James W. Irwin,	William N. Marshall,	

Ordered, That said bill be read a third time, as amended.

Mr. Patterson moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative—(four-fifths not voting therefor.)

The yeas and nays being required thereon by Messrs. Leathers and Hays, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Hamilton Pope,
Hall Anderson,	Elihu Hogan,	Camden Riley,
William C. Bullock,	Overton P. Hogan,	John W. Ritter,
Joshua Buster,	Alfred Johnston,	Thomas Rouse,
Sam. Daviess Delany,	Thomas P. Linthicum,	James M. Shepard,
John Eaker,	Fitch Munger,	William Sterett,
Richard C. Graves,	Robert A. Patterson,	Caleb B. Wallace—21.

Those who voted in the negative, were

James P. Barbour,	John W. Leathers,	Nathaniel P. Saunders,
James W. Irwin,	Beriah Magoffin,	Berry Smith,
John C. Kouns,	William N. Marshall,	Thomas J. Smith—9.

A bill for the benefit of David A. Knox, of Boyle county, was taken up.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative. So the said bill was rejected.

A bill from the House of Representatives, entitled, an act to increase the jurisdiction of Justices of the Peace, was read a third time, as amended.

And the question being taken on the passage of said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Thomas Rouse,
Hall Anderson,	Alfred Johnston,	Robert S. Russell,
James P. Barbour,	John C. Kouns,	Berry Smith,
Joshua Buster,	Thomas P. Linthicum,	Thomas J. Smith,
Sam. Daviess Delany,	William N. Marshall,	William Sterett—17.
John Eaker,	Robert A. Patterson,	

Those who voted in the negative, were

Camden M. Ballard,	Overton P. Hogan,	Hamilton Pope,
Wm. C. Bullock,	James W. Irwin,	Camden Riley,
Walter Chiles,	John W. Leathers,	John W. Ritter,
Richard C. Graves,	Beriah Magoffin,	James M. Shepard,
James W. Hays,	Fitch Munger,	Caleb B. Wallace—15.

Mr. Sterett moved a reconsideration of the vote by which said bill was passed.

And the question being taken thereon, it was decided in the affirmative.

Mr. O. P. Hogan moved to postpone the further consideration of said bill until Monday next, at 10 o'clock, A. M.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Graves, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Irwin,	Camden Riley,
Camden M. Ballard,	John W. Leathers,	John W. Ritter,
Wm. C. Bullock,	Beriah Magoffin,	Robert S. Russell,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
Richard C. Graves,	Fitch Munger,	Wiilliam Sterett,
James W. Hays,	Hamilton Pope,	Caleb B. Wallace—19.
Overton P. Hogan,		

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Thomas P. Linthicum,	Berry Smith,
John Eaker,	William N. Marshall,	Thomas J. Smith—14.
Elihu Hogan,	Robert A. Patterson,	

Mr. Russell moved a reconsideration of the vote postponing the further consideration of said bill until Monday next, at 10 o'clock, A. M.

Mr. O. P. Hogan moved to lay said motion on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and E. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Hamilton Pope,
Camden M. Ballard,	Overton P. Hogan,	Camden Riley,
William C. Bullock,	John W. Leathers,	John W. Ritter,
Joshua Buster,	Beriah Magoffin,	James M. Shepard,
Walter Chiles,	Daniel Morgan,	Caleb B. Wallace—17.
Richard C Graves,	Fitch Munger,	

Those who voted in the negative, were

Hall Anderson,	John C Kouns,	Robert S. Russell,
James P. Barbour,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Samuel Daviess Delany,	William N. Marshall,	Berry Smith,
John Eaker,	Robert A. Patterson,	Thomas J. Smith,
Elihu Hogan,	Thomas Rouse,	William Sterett—16.
Alfred Johnston,		

The amendment of the Senate, to the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to amend the charter of the Southern Bank of Kentucky, was taken up.

Mr. Eaker moved that the Senate recede from their amendment to the amendment of the House of Representatives.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Eaker, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	William N. Marshall,
Wm. C. Bullock,	James W. Hays,	Thomas Rouse,
Joshua Buster,	Elihu Hogan,	Nathaniel P. Saunders,
Walter Chiles,	Overton P. Hogan,	James M. Shepard,
Sam. Daviess Delany,	Alfred Johnston,	Berry Smith,
John Eaker,	Thomas P. Linthicum,	Caleb B. Wallace—18.

Those who voted in the negative, were

Hall Anderson,	Daniel Morgan,	John W. Ritter,
Camden M. Ballard,	Robert A. Patterson,	Robert S. Russell,
James W. Irwin,	Hamilton Pope,	William Sterett—8.
John C. Kouns,	Camden Riley,	

Mr. Magoffin, at 5 o'clock, P. M., moved that the Senate take a recess until 7 o'clock.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Linthicum, and Graves, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard,	Overton P. Hogan,	Daniel Morgan,
Walter Chiles,	James W. Irwin,	John W. Ritter,
Richard C. Graves,	Beriah Magoffin,	James M. Shepard,
Elihu Hogan,	Wm. N. Marshall,	Wlliam Sterett—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	John C. Kouns,	Camden Riley,
Hall Anderson,	John W. Leathers,	Thomas Rouse,
William C. Bullock,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Joshua Buster,	Fitch Munger,	Berry Smith,
Sam. Daviess Delany,	Robert A. Patterson,	Thomas J. Smith,
James W. Hays,	Hamilton Pope,	Caleb B. Wallace—19.
Alfred Johnston,		

The amendment proposed by the Senate to a bill from the House of Representatives, entitled, an act to abolish the office of President of the Board of Internal Improvement, and change the organization of said Board, was taken up.

Mr. Irwin moved that the Senate insist on their amendment to said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Graves and Patterson, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Robert A. Patterson,
James P. Barbour,	Overton P. Hogan,	Hamilton Pope,
William C. Bullock,	James W. Irwin,	John W. Ritter,
Joshua Buster,	John W. Leathers,	Robert S. Russell,
Walter Chiles,	Thomas P. Linthicum,	James M. Shepard,
Sam. Daviess Delany,	Beriah Magoffin,	Thomas J. Smith,
John Eaker,	William N. Marshall,	William Sterett,
Richard C. Graves,	Daniel Morgan,	Caleb B. Wallace—26.
James W. Hays,	Fitch Munger,	

Those who voted in the negative, were

Hall Anderson,	Thomas Rouse,	Berry Smith—5.
Alfred Johnston,	Nathaniel P. Saunders,	

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the appropriation of money.

Mr. Graves, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Mississippi and Nashville Railroad Company.

An act to establish a levy and monthly County Court for Jefferson county.

An act to incorporate the Lexington, Harrodsburg, and Bowlinggreen Railroad Company.

An act concerning the Police Judge of the town of Hartford, in Ohio county.

An act to amend the charter of the town of Crittenden, in Grant county.

An act concerning coal mines in Hancock county.

An act for the benefit of A. W. Hamilton, and his securities, in a bond for public arms.

An act to authorize the County Courts of Logan and Simpson to subscribe stock in the Louisville and Nashville Railroad Company, or in such Railroad Company as may pass through said counties.

An act to change the lines of Magistrates' and Constables' districts in Boone and Russell counties.

An act for the benefit of George J. Stockton, and his securities, in two bonds for public arms.

An act to reduce into one the several acts concerning peddlers, and fixing the amount of tax to be paid by them.

An act to incorporate the Capital Hotel Company in Frankfort.

An act for the benefit of Samuel G. Mullins, of Mercer county.

An act to amend the act establishing the Morgantown Seminary.

An act for the benefit of George Johnson, of Morganfield.

An act to reduce into one the several acts concerning the town of Campbellsville, in Taylor county.

An act to fix the time of holding Circuit Courts in this Commonwealth.

An act to incorporate the Newport Safety Fund Bank of Kentucky.

An act to incorporate the Newport and Licking Turnpike and Plank Road Company.

An act to provide for the payment of the unpaid orders of the School Commissioners.

An act in relation to the commissions of officers.

An act to authorize the council of the city of Covington to create two additional voting precincts in said city.

An act exempting every custom house, post office, court room, and other offices, that may be erected within this Commonwealth by the General Government, from taxation.

An act to authorize the Grant County Court to lay an additional levy at their April or May term.

An act for the benefit of James McBride.

An act for the benefit of C. N. Carder, Constable of Oldham county.

An act for the benefit of Col. R. T. P. Allen.

An act in relation to the revenue.

An act to change the place of voting in an election precinct in Jefferson county.

An act for the benefit of the 57th Regiment, in Garrard county.

An act for the benefit of James McConnell.

An act for the benefit of the Sheriff of Knox county.

An act to revise the Statutes.

An act to amend the exemption laws.

An act to provide for changing the place of voting in the 5th district, in Nicholas county.

An act to incorporate the Washington Support and Health Insurance Company.

An act to authorize the county of Mercer and the county of Boyle to subscribe stock in Railroads and other roads within said counties.

An act to establish an additional election precinct in Greenup county.

An act to regulate elections.

An act prescribing the means and mode of opening and working roads in the county of Boone.

An act to incorporate the Big Bone Hotel Company.

An act for the benefit of Charles C. Kelly, Clerk of the Washington Circuit Court.

An act to establish an additional election precinct in Scott county.

An act for the appropriation of money.

An act to amend an act, entitled, an act to incorporate the town of West Point, in Hardin county, approved January 15, 1848.

An act to change the Magistrates' and Constables' districts in Carter county.

An act to amend the charter of the Louisville and Frankfort Railroad Company.

An act to amend an act, entitled, an act to organize County Courts in the several counties, approved March 11, 1851.

An act to amend an act, entitled, an act to incorporate the town of Shelbyville, approved February 21, 1846.

An act to authorize the Trustees of the town of Versailles and the County Court of Woodford to give power to a company to establish water works in said town.

An act for the benefit of G. W. V. McConnell, of Woodford county.

An act providing for the relief and discharge of securities for public officers.

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to authorize the County Court of Montgomery to issue the bonds of said county for internal improvement purposes, and to establish a Board of Internal Improvement to manage said bonds.

An act to amend an act, entitled, an act to incorporate the Nashville and Louisville Railroad Company, approved March 4, 1850.

An act providing for running and marking the line between Knox and Harlan counties.

An act to amend an act to incorporate the town of Lancaster.

An act to incorporate Owen Division, No. 220, Sons of Temperance, in Owenton, Owen county.

An act for the benefit of school districts in Cumberland county.

An act to change the boundaries of, and place of voting in Magistrates' and Constable's district No. 2, in Scott county, and the voting place of district No. 2, in Grant county.

An act to establish an additional Magistrates' and Constable's district in Nelson county.

An act to change the line between districts Nos. 2 and 3, in Mercer county.

An act to change the places of voting in district No. 3, in Simpson county; in district No. 5, in Woodford county; in district No. 8, in Breckinridge county; and in district No. 6, in Henderson county.

An act to change certain districts in Spencer county.

An act establishing certain voting places in Harrison county.

An act to establish a Code of Practice in civil cases in the Courts of this Commonwealth.

An act for the benefit of Philip Felton.

An act to authorize the Mayor and Council of the city of Louisville to provide for the times, places, and manner of holding the first election in 1851, under the charter of said city.

An act to provide for the election of a Police Judge in the town of Richmond.

An act for the benefit of Francis McCauley.

An act to amend the charter of the Newtown and Leesburg Turnpike Road Company.

An act supplemental to an act, entitled, an act to incorporate the Lexington Savings Institute, approved February 10, 1851.

An act to amend an act, entitled, an act to incorporate the Transylvania School of Dental Surgery, approved March 7, 1850.

An act to legalize the subscription of stock by the Franklin County Court in the Stamping Ground and Frankfort Turnpike Road Company, and to authorize the city of Frankfort to take stock in said road.

An act for the benefit of Turnpike Roads in Lincoln county.

An act repealing all laws authorizing allowances to clerks and sheriffs for *ex officio* services.

An act to establish an additional election precinct in Jefferson county.

An act for the benefit of Henry G. Mitchell and John Mitchell.

An act in relation to the Marshal of the city of Frankfort.

An act for the benefit of Uriah G. Berry.

An act to establish two additional election precincts in Bullitt county.

An act relative to Assessors of Tax.

An act to change the place of voting in Jamestown, in Campbell county.

An act to provide for the election of the Police Judge and Marshal of the town of Lawrenceburg, and changing the limits of said town.

An act to authorize the people of Logan county to tax themselves, to assist in making the Louisville and Nashville Railroad, and for other Internal Improvements.

An act to regulate tolls on the Crab Orchard and Madison fork of the Wilderness Turnpike Road, and the management of the Goose Creek and Trough Spring branch of said road.

An act to amend the charter of the city of Maysville.

An act in relation to certain Magistrates' districts in Garrard, Nicholas, Taylor, and Pendleton counties.

An act to incorporate the Catlettsburg and Grayson Plank Road Company.

An act to authorize Constables in Louisville, and in certain districts in certain counties to appoint deputies.

An act regulating the terms of the Clarke and Madison County Courts.

An act concerning free negroes and mulattoes.

An act requiring officers of this Commonwealth to execute official bonds, and prescribing the manner of such execution.

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate, *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Graves reported that the committee had performed that duty.

The fifth amendment proposed by the Senate to a bill from the House of Representatives, entitled, an act to fix the salaries of certain officers, was taken up.

Resolved, That the Senate recede from said amendment.

On motion of Mr. Magoffin, leave was given to bring in a bill to re-

peal any law or laws organizing and appointing the Commissioners of the Sinking Fund.

Ordered, That Messrs. Magoffin, Irwin, Leathers, Barbour, T. J. Smith, O. P. Hogan, Bullock, Chiles, and Johnston prepare and bring in said bill.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act for the benefit of the heirs of D. W. Holeman, deceased.

An act to change the place of voting in the 5th Justices' district in the county of Owen.

An act to incorporate the Cynthiana Hotel Company.

An act more effectually to protect the rights of persons holding an interest in slaves in reversion or remainder.

An act authorizing the Chancellor of the Louisville Chancery Court to direct certain streets and alleys in Shippingsport to be closed.

An act prohibiting the sale of liquor or goods to students in the Kentucky Military Institute.

An act to increase the powers of administrators with the will annexed.

An act for the benefit of the subscribers to the Logan, Todd, and Christian Turnpike Road Company.

An act to amend an act, entitled, an act to prevent the destruction of fish in Little Kentucky river.

An act concerning the establishment of Ferries.

An act to authorize the Chairman of the Board of Trustees of Paris to try misdemeanors in the breach of town ordinances.

An act to incorporate the Neptune Fire Engine and Hose Company, of Maysville.

An act to amend the act incorporating the town of Mayslick.

An act to authorize the Judge of the Scott Circuit Court to sign certain records.

An act to amend an act, entitled, an act to incorporate the town of Neatsville.

An act to repeal an act for the benefit of the devisees of Alfred Payne, approved March 7, 1850.

An act concerning County Courts in Monroe county.

An act supplemental to an act to prevent the destruction of fish in Barebone creek.

An act to incorporate the Georgetown and Lemon Mill Turnpike Road Company.

An act to incorporate the Iron Works Turnpike Road Company.

An act to repeal an act for the benefit of H. W. Martin, approved March 7, 1850, and for other purposes.

An act to amend the act incorporating the Mayslick and Sardis Turnpike Road Company.

An act to establish a State road in the counties of Caldwell, Livingston, and McCracken.

An act to amend an act, entitled, an act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes, approved February 22, 1834.

An act to incorporate the Dallasburg Seminary, in Owen county.

An act for the benefit of certain common school districts in the counties of Fayette, Floyd, and Cumberland.

Ordered, That said bills be read a second time.

The constitutional provision as to the second and third readings being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act to amend the charter of the Cynthiana and Millersburg Turnpike Road Company.

An act concerning the books and records of Justices of the Peace.

An act to legalize a survey on Wolf creek, in behalf of William McGuire.

An act to abolish the General Court, and transfer its powers and jurisdiction to the Franklin Circuit Court.

Ordered, That said bills be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, said bills were each amended.

Ordered, That said bills be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bills, as amended, do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act authorizing the Circuit Courts to create certain corporations, was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit courts may, on the application of two or more persons, create corporations for objects of a literary, benevolent, or industrial character, giving them the power to sue and be sued, and the capacity of perpetual succession, with liberty to make any by-laws for their government and perpetuation not inconsistent with the constitution and laws of this state. *Provided*, that no town charter shall under this act be granted or altered, nor shall any road company or banking institu-

tion be incorporated, nor shall any institution so incorporated hold property over the value of five thousand dollars. This act shall be in force from its passage, and the legislature reserves the right of repealing or altering any charter which may be granted in virtue of its provisions.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading being dispensed with,

Mr. Leathers moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and Leathers, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	James W. Irwin,	James M. Shepard,
Joshua Buster,	John W. Leathers,	Berry Smith,
Walter Chiles,	Daniel Morgan,	Thomas J. Smith,
Sam. Daviess Delany,	Hamilton Pope,	William Sterett,
Elihu Hogan,	Camden Riley,	Daniel Waits—17.
Overton P. Hogan,	Nathaniel P. Saunders,	

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Fitch Munger,
Camden M. Ballard,	Alfred Johnston,	Robert A. Patterson,
James P. Barbour,	John C. Kouns,	John W. Ritter,
William C. Bullock,	Thomas P. Linthicum,	Thomas Rouse,
John Eaker,	William N. Marshall,	Robert S. Russell—16.
Richard C. Graves,		

A bill from the House of Representatives, entitled, an act to prevent free negroes from emigrating to or slaves emancipated from remaining in this State, was read the first time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any free negro or mulatto who shall hereafter emigrate to this state with the intention of remaining therein, shall be deemed guilty of felony, and upon conviction shall be confined in the penitentiary for any period not exceeding five years.

§ 2. If any slave by the laws of this state, shall fail or refuse to leave the state for three months after having been emancipated, or having left the state shall return and settle within the state, or remain in the state for a longer period than thirty days, such person shall be deemed guilty of felony, and upon conviction, confined in the penitentiary for any period not *exceeding five years*.

§ 3. Persons guilty of either of the offenses set forth in this act, after they have served their time of confinement in the penitentiary, or after they may have been pardoned, who fail to leave, but remain in this state for a period of thirty days shall be deemed guilty of felony, and upon conviction be confined in the penitentiary for a period of not less than five nor more than ten years for each offense.

§ 4. Persons guilty of offenses denounced in this act, shall be apprehended and tried as is provided for in other cases of felony.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading being dispensed with,

Mr. Riley moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Joshua Buster,	Robert A. Patterson,	James M. Shepard,
Walter Chiles,	Camden Riley,	Berry Smith,
Daniel Morgan,	John W. Ritter,	William Sterett—9.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	William N. Marshall,
Hall Anderson,	Elihu Hogan,	Fitch Munger,
Camden M. Ballard,	Overton P. Hogan,	Hamilton Pope,
James P. Barbour,	James W. Irwin,	Thomas Rouse,
William C. Bullock,	Alfred Johnston,	Robert S. Russell,
Sam. Daviess Delany,	John C. Kouns,	Nathaniel P. Saunders,
John Eaker,	John W. Leathers,	T. J. Smith,
Richard C. Graves,	Thomas P. Linthicum,	Daniel Waits—24.

Mr. O. P. Hogan moved to strike out the first section of said bill.

And the question being taken thereon, it was decided in the affirmative.

Mr. Ritter moved to amend said bill, in the second section, by striking out the words printed in italics, and inserting in lieu thereof, the words "*more than one year.*"

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Hays, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	James W. Irwin,	Camden Riley,
Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
Wm. C. Bullock,	Thomas P. Linthicum,	James M. Shepard,
Joshua Buster,	Beriah Magoffin,	Berry Smith,
Walter Chiles,	Daniel Morgan,	Thomas J. Smith,
Sam. Daviess Delany,	Fitch Munger,	William Sterett,
John Eaker,	Robert A. Patterson,	Daniel Waits—28.
James W. Hays,		

Those who voted in the negative, were

Richard C. Graves, John W. Leathers, Thomas Rouse,
Overton P. Hogan, William N. Marshall, Nathaniel P. Saunders—6.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be amended to read, "an act to prevent slaves emancipated from remaining in the State."

A message was received from the House of Representatives, announcing their disagreement to bills from the Senate, of the following titles, viz:

An act for the benefit of Greenwood School District in Jefferson county.

An act requiring the Superintendent of Public Instruction to keep his office at the Seat of Government.

That they had passed bills from the Senate, of the following titles, viz:

An act appropriating money to the Frankfort Cemetery Company, James Bell, and Robert Stevenson, for work and labor done and materials furnished in the improvements lately made around the State Military Monument.

An act to amend an act authorizing the county of Fayette to subscribe stock in Railroad Companies.

An act in relation to the fees of Commonwealth's Attorneys.

An act to amend the charter of the town of Crab Orchard.

An act authorizing the Chairman of the Board of Trustees of Winchester and certain other public officers to grant injunctions, &c.

An act to change the boundary lines of districts No. 1 and 2, in Mercer county.

An act to incorporate a Company to construct a bridge over Salt river.

An act to amend the road law in Greenup county.

An act regulating proceedings against officers.

An act to amend an act, entitled, an act to amend the Campbell Turnpike Road Company, and for other purposes, approved February 26, 1849.

An act for the benefit of the Maysville and Lexington Railroad Company, and the Louisville and Lexington Railroad Company.

An act regulating the terms of the Butler and Edmonson Circuit Courts.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act to provide means to meet the casual deficit in the Treasury.

An act to authorize the Governor to appoint Commissioners in the event of vacancies.

An act to levy a tax on the sale of lottery tickets.

An act for the benefit of Martin Houser, of Boyle county.

An act to alter district No. 2, in Pike county.

An act to authorize the County Court of Woodford to establish an election precinct and voting place.

An act authorizing the appointment of Benjamin S. Thomas as Deputy Sheriff of Hancock county.

An act to authorize the Commissioners of Logan county to re-district the said county.

An act to incorporate the Falmouth Library Association.

An act for the benefit of the Sheriff of Laurel county.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act regulating the terms of the Butler and Edmonson Circuit Courts, were taken up, twice read, and concurred in.

A bill from the House of Representatives, entitled, an act to authorize the Commissioners of Logan county to re-district the said county, was read the first time.

On motion of Mr. Irwin,

Ordered, That said bill be laid on the table.

A bill from the House of Representatives, entitled, an act to levy a tax on the sale of lottery tickets, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Ordered, That said bill be read a third time.

A bill from the House of Representatives, entitled, an act to authorize the County Court of Woodford to establish an election precinct and voting place, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Ritter, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Richard C. Graves,	John W. Ritter,
William C. Bullock,	James W. Hays,	Robert S. Russell,

Joshua Buster,	Elihu Hogan,	James M. Shepard,
Walter Chiles,	Fitch Munger,	Berry Smith,
Samuel Daviess Delany,	Camden Riley,	Daniel Waits—15.

Those who voted in the negative, were

Hall Anderson,	James W. Irwin,	Thomas Rouse,
Camden M. Ballard,	Alfred Johnston,	Nathaniel P. Saunders,
James P. Barbour,	John W. Leathers,	Thomas J. Smith,
Joh Eaker,	Thomas P. Linthicum,	William Sterett—14.
Overton P. Hogan,	Beriah Magoffin,	

Resolved, That the title of said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to authorize the Governor to appoint Commissioners in the event of vacancies, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

The question was taken on the passage of said bill, and it was decided in the negative; so the said bill was disagreed to.

A bill from the House of Representatives, entitled, an act to provide means to meet the casual deficit in the Treasury, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading being dispensed with,

Mr. Pope moved to amend said bill, by adding thereto the following proviso, viz:

Provided, If the governor cannot effect the loan provided for by this act, he shall be authorized to allow to sheriffs, at the rate of six per cent. per annum, on any revenue advanced by them from the time of advancement until the regular time of payment.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Ordered, That said bill be read a third time, as amended.

The constitutional provision as to the third reading being dispensed with,

The question was taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Saunders, and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Hamilton Pope,
Hall Anderson,	Elihu Hogan,	Camden Riley,
James P. Barbour,	James W. Irwin,	John W. Ritter,
Wm. C. Bullock,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	John W. Leathers,	James M. Shepard,

Sam. Daviess Delany, Thomas P. Linthicum, Berry Smith,
John Eaker, Beriah Magoffin, William Sterett,
Richard C. Graves, Fitch Munger, Daniel Waits—24.

Those who voted in the negative, were

Overton P. Hogan, Robert S. Russell, Nathaniel P. Saunders—3.

Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act for the benefit of Martin Houser, of Boyle county.

An act to alter District No. 2, in Pike county.

An act for the benefit of the Sheriff of Laurel county.

An act to incorporate the Falmouth Library Association.

Ordered, That said bills be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, MARCH 24, 1851.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills from that House, of the following titles, viz:

An act organizing the department of the Auditor of Public Accounts, and fixing the salaries of the officers of said department.

An act to amend the charter of the Cynthiana and Millersburg Turnpike Road Company.

An act concerning the books and records of Justices of the Peace.

An act to legalize a survey on Wolf creek, in behalf of William McGuire.

An act to prevent free negroes from immigrating to, or slaves emancipated from remaining in the State.

An act to abolish the General Court, and transfer its powers and jurisdiction to the Franklin Circuit Court.

An act to provide means to meet the casual deficit in the Treasury.

That they had passed a bill, entitled,

An act to repeal in part an act, entitled, an act extending the limits of the town of Shelbyville, approved March 3, 1851.

Which bill was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from select committees, viz:

By Mr. E. Hogan—A bill to legalize the vote of the county of Fayette and city of Lexington to subscribe stock in the Maysville and Lexington, and Lexington and Danville Railroad Company.

By Mr. Russell—A bill to repeal an act concerning private passways so far as relates to Scott county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Delany, from the joint committee on Banks, made a report.

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

A message was received from the House of Representatives, announcing their adherence to their disagreement to the amendment proposed by the Senate to a bill from that House, entitled, an act to abolish the office of President of the Board of Internal Improvement, and change the organization of said Board, and that they had appointed a committee of conference on their part, and request the appointment of a similar committee on the part of the Senate.

Whereupon Messrs. Irwin, Pope, and Leathers were appointed a committee on the part of the Senate.

After a short time, Mr. Irwin from said committee made the following report, viz:

"That the House of Representatives recede from their disagreement to the amendment proposed by the Senate to said bill."

Which was concurred in.

Mr. Saunders moved to dispense with the rules in order to take up the bill from the House of Representatives, entitled, an act to increase the jurisdiction of Justices of the Peace.

Mr. Irwin moved to lay said motion on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Saunders and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
Camden M. Ballard,	James W. Irwin,	Camden Riley,
William C. Bullock,	John W. Leathers,	John W. Ritter,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
James W. Hays,	Fitch Munger,	William Sterett—15.

Those who voted in the negative, were

Hall Anderson,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Sam. Daviess Delany,	Wm. N. Marshall,	Berry Smith,
John Eaker,	Robert A. Patterson,	Thomas J. Smith—16.
Elihu Hogan,		

The question was then taken on dispensing with the rules to take up said bill, and it was decided in the negative—(two-thirds not voting therefor.)

The yeas and nays being required thereon by Messrs. Saunders and Barbour, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Alfred Johnston,	Thomas Rouse,
James P. Barbour,	John C. Kouns,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	Nathaniel P. Saunders,
Sam. Daviess Delany,	William N. Marshall,	Berry Smith,
John Eaker,	Robert A. Patterson,	Thomas J. Smith—16.
Elihu Hogan,		

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
Camden M. Ballard,	James W. Irwin,	Camden Riley,
Wm. C. Bullock,	John W. Leathers,	John W. Ritter,
Walter Chiles,	Daniel Morgan,	James M. Shepard,
James W. Hays,	Fitch Munger,	William Sterett—15.

Mr. Saunders, at 9 o'clock A. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Saunders and Munger, were as follows, viz:

In the affirmative—Nathaniel P. Saunders.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	James W. Hays,	Robert A. Patterson,
Hall Anderson,	Overton P. Hogan,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	John W. Ritter,
James P. Barbour,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C Kouns,	James M. Shepard,
Joshua Buster,	John W. Leathers,	Berry Smith,
Walter Chiles,	Thomas P. Linthicum,	Thomas J. Smith,
Samuel Daviess Delany,	William N. Marshall,	William Sterett—25.
John Eaker,		

A message was received from the House of Representatives, announcing their concurrence in the report of the committee of conference on the disagreement of the two Houses on the amendment proposed by the Senate to a bill from that House, entitled, an act to abolish the office of President of the Board of Internal Improvement and change the organization of said Board.

That they had passed bills from the Senate, of the following titles, viz:

An act to legalize the vote of the county of Fayette and city of Lexington to subscribe stock in the Maysville and Lexington, and Lexington and Danville Railroad Company.

An act to repeal an act concerning private passways so far as relates to Scott county.

That they had concurred in a resolution from the Senate, directing the Commissioners of the Sinking Fund to pay into the Treasury the January instalment of interest due on the School Fund, with an amendment.

That they had adopted resolutions of the following titles, viz:

Resolution for printing the Code of Practice.

Resolution directing the printing of the act, entitled, an act to amend the militia laws, and prescribing certain duties of the Adjutant General.

Which resolutions were taken up, each twice read, and concurred in.

Mr. Hays moved the following resolution, viz:

Resolved, That the public printers print, for the use of each of the members of the senate, two hundred copies of the synopsis of the acts of the present general assembly; and that, as far as practicable to do so, to publish the general laws in full in said synopsis.

And the question being taken on the adoption of said resolution, it was decided in the negative. So the said resolution was rejected.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, MARCH 24, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent,

Thomas S. Page, to be Second Auditor of Public Accounts.

David T. McNeil, to be Sheriff of Meade county, in place of Wm. S. Wilson, resigned.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointments.

A bill from the House of Representatives, entitled, an act to levy a tax on the sale of lottery tickets, was read a third time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of every person who shall act as principal or agent of any lottery office authorized by the laws of this commonwealth, to make out, and swear to before some justice of the peace or a judge of the county court, and report to the agent of the auditor of public accounts for the county quarterly, viz: on the first Mondays in January, April, July, and October, in each year, a statement of the amounts for which lottery tickets have been sold by him or her, and pay to such agent for the auditor five cents for every dollar thereof, and for any failure so to do shall forfeit and pay to the commonwealth of Kentucky one thousand dollars, recoverable on presentment by a grand jury, as other fines and forfeitures; and all receipts under this act, after deducting the commissions of the auditor's agent, shall be applied to increase the resources of the sinking fund.

§ 2. Any person who shall be guilty of swearing falsely under any of the provisions of this act, shall be deemed and held guilty of perjury, and on conviction shall be confined in the penitentiary of this commonwealth from one to five years.

And the question being taken on the passage of said bill, it was decided in the negative; so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Irwin and Linthicum, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	John W. Ritter,
James P. Barbour,	John W. Leathers,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	James M. Shepard,
John Eaker,	Beriah Magoffin,	Berry Smith,
Richard C. Graves,	Camden Riley,	Thomas J. Smith—15.

Those who voted in the negative, were

Camden M. Ballard,	Elihu Hogan,	Daniel Morgan,
William C. Bullock,	James W. Irwin,	Fitch Munger,
Walter Chiles,	Alfred Johnston,	Robert A. Patterson,
Sam. Daviess Delany,	John C. Kouns,	Hamilton Pope,
James W. Hays,	William N. Marshall,	William Sterett—15.

An engrossed bill, entitled, an act authorizing the Secretary of State to employ additional Clerks for the present year, was read a third time.

And the question being taken on the passage of said bill, it was decided in the negative; so the said bill was rejected.

The yeas and nays being taken thereon in accordance with the Constitution, were as follows, viz:

Those who voted in the affirmative, were

William C. Bullock,	Fitch Munger,	Camden Riley,
Richard C. Graves,	Robert A. Patterson,	John W. Ritter,
James W. Hays,	Hamilton Pope,	James M. Shepard—10.
Elihu Hogan,		

Those who voted in the negative, were

Hall Anderson,	Overton P. Hogan,	William N. Marshall,
Camden M. Ballard,	James W. Irwin,	Thomas Rouse,
Joshua Buster,	Alfred Johnston,	Berry Smith,
Walter Chiles,	John C. Kouns,	Thomas J. Smith,
Sam. Daviess Delany,	John W. Leathers,	William Sterett—17.
John Eaker,	Thomas P. Linthicum,	

An engrossed bill, entitled, an act supplemental to an act, entitled, an act to incorporate the Deposit Bank of Danville, was read a third time, as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to incorporate the deposit bank of Danville, approved March 20, 1851, be and the same is hereby amended, as though the sections of this bill had been inserted and enacted as part of said act.

§ 2. That at any time within twelve months after said Deposit Bank shall be organized by the subscription of stock, and the election of directors, according to the provisions of said charter, it shall be lawful for the president and directors of said bank, at a meeting of the stockholders, and a majority of all the stockholders concurring therein, to select and adopt the privileges and provisions of the charter of the Newport safety fund bank of Kentucky in lieu of the provisions of the act incorporating said deposit bank of Danville.

§ 3. That if said president and directors, with the concurrence of a majority of the stockholders, shall decide to adopt said provisions of the safety fund bank, in lieu of the charter of said deposit bank, they shall notify the governor of this commonwealth of that fact; and it shall be the duty of the governor so to certify and issue a proclamation to the effect that thenceforth said deposit bank shall be a safety fund bank, and

that said bank shall thenceforth be known by the corporate name of the Danville safety fund bank; and shall enjoy all the rights and privileges and be subject to all the restrictions and conditions of the Newport safety fund bank of Kentucky.

§ 4. That if said deposit bank of Danville shall become the Danville safety fund bank, the capital, with the approbation and concurrence of a majority of all the stockholders, may be increased to any sum not exceeding two hundred thousand dollars.

§ 5. That the change of the name of the bank shall in no wise affect the contracts of said deposit bank, but suits may be brought in the corporate name of the deposit bank of Danville, upon any contract to or by said deposit bank, in the name of the deposit bank of Danville, for the use of the Danville safety fund bank.

§ 6. That notwithstanding said change, it may be lawful for said Danville safety fund bank, by contract, to pay interest on deposits, and as to said deposits, it shall have the privileges and be subject to the same liabilities as are granted and enjoined in the act to which this is an amendment.

Mr. Irwin moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Camden M. Ballard	James W. Irwin,	Camden Riley,
Joshua Buster,	Alfred Johnston,	Thomas Rouse,
John Eaker,	John C. Kouns,	Thos. J. Smith,
James W. Hays,	William N. Marshall,	William Sterett—13.
Overton P. Hogan,		

Those who voted in the negative, were

Hall Anderson,	Elihu Hogan,	Hamilton Pope,
James P. Barbour,	Thomas P. Linthicam,	John W. Ritter,
William C. Bullock,	Daniel Morgan,	Robert S. Russell,
Walter Chiles,	Fitch Munger,	James M. Shepard,
Sam. Daviess Delany,	Robert A. Patterson,	Berry Smith—16.
Richard C. Graves,		

The question was then taken on the passage of said bill, and it was decided in the negative; so the said bill was rejected.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Sterett, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Richard C. Graves,	Hamilton Pope,
James P. Barbour,	Elihu Hogan,	Robert S. Russell,
Walter Chiles,	John C. Kouns,	James M. Shepard,
Sam. Daviess Delany,	Robert A. Patterson,	Berry Smith—12.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Camden Riley,
Camden M. Ballard,	James W. Irwin,	John W. Ritter,
William C. Bullock,	Alfred Johnston,	Thomas Rouse,
Joshua Buster,	Thomas P. Linthicum,	Thomas J. Smith,
John Eaker,	Wm. N. Marshall,	William Sterett—16.
James W. Hays,		

A bill from the House of Representatives, entitled, an act to authorize the running and re-marking the dividing line between Bath and Bourbon, was read a third time, as amended.

Mr. Irwin moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Irwin and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Elihu Hogan,	James W. Irwin—3.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Overton P. Hogan,	Hamilton Pope,
Camden M. Ballard,	Alfred Johnston,	John W. Ritter,
William C. Bullock,	John C. Kouns,	Robert S. Russell,
Walter Chiles,	Thomas P. Linthicum,	James M. Shepard,
Sam. Daviess Delany,	Wm. N. Marshall,	Berry Smith,
John Eaker,	Fitch Munger,	Thomas J. Smith,
James W. Hays,	Robert A. Patterson,	William Sterett—21.

The question was then taken on the passage of said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Irwin and Marshall, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	Elihu Hogan,	Hamilton Pope,
Hall Anderson,	Overton P. Hogan,	John W. Ritter,
Camden M. Ballard,	Alfred Johnston,	Thomas Rouse,
William C. Bullock,	John C. Kouns,	Robert S. Russell,
Joshua Buster,	Thomas P. Linthicum,	James M. Shepard,
Walter Chiles,	William N. Marshall,	Berry Smith,
Sam. Daviess Delany,	Fitch Munger,	Thomas J. Smith,
John Eaker,	Robert A. Patterson,	William Sterett—25.
James W. Hays,		

Those who voted in the negative, were

James W. Irwin,	Beriah Magoffin—2.

Resolved, That the title of said bill be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken taken up, and read as follows, viz:

EXECUTIVE DEPARTMENT,
FRANKFORT, MARCH 24, 1851.

Gentlemen of the Senate:

I nominate for your advice and consent, John P. Devereaux, to be Judge of the 14th Judicial district, to fill the vacancy occasioned by the resignation of Hon. John Calhoun.

JOHN L. HELM.

Resolved, That the Senate advise and consent to said appointment.

A bill from the House of Representatives, entitled, an act authorizing the appointment of Benjamin S. Thomas as Deputy Sheriff of Hancock county, was read the first time, and ordered to be read a second time.

The constitutional provision as to the second and third readings of said bill being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Linthicum and B. Smith, were as follows, viz:

Those who voted in the affirmative, were

Mr. Speaker, (Grey,)	James W. Hays,	Camden Riley,
Hall Anderson,	Elihu Hogan,	John W. Ritter,
James P. Barbour,	Overton P. Hogan,	Robert S. Russell,
William C. Bullock,	James W. Irwin,	James M. Shepard,
Walter Chiles,	Fitch Munger,	Berry Smith,
Sam. Daviess Delany,	Robert A. Patterson,	Thomas J. Smith,
John Eaker,	Hamilton Pope,	William Sterett—21.

Those who voted in the negative, were

Joshua Buster,	Thomas P. Linthicum,	Thomas Rouse—4.
John W. Leathers,		

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives, announcing their concurrence in a resolution from the Senate, authorizing the publication and distribution of the general laws.

The amendment proposed by the House of Representatives to a resolution from the Senate, directing the Commissioners of the Sinking Fund to pay into the Treasury the January instalment of interest due on the School Fund, was taken up.

Said amendment is to add after the "24th inst." the words "at 10 o'clock, A. M."

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hays and Irwin, were as follows, viz:

Those who voted in the affirmative, were

Hall Anderson,	Overton P. Hogan,	Thomas P. Linthicum,
Camden M. Ballard,	James W. Irwin,	Beriah Magoffin,
Walter Chiles,	Alfred Johnston,	Camden Riley,
Sam. Daviess Delany,	John C. Kouns,	Thomas Rouse,
Elihu Hogan,	John W. Leathers,	Thomas J. Smith—15.

Those who voted in the negative, were

Mr. Speaker, (Grey,)	Fitch Munger,	Robert S. Russell,
Wm. C. Bullock,	Robert A. Patterson,	James M. Shepard,
Joshua Buster,	Hamilton Pope,	Berry Smith,
John Eaker,	John W. Ritter,	William Sterett—13.
James W. Hays,		

Mr. Pope moved that the hour, (being three minutes of 10 o'clock, A. M.,) at which said amendment was concurred in be entered on the Journal.

Pending the decision of which motion,

Mr. Johnston, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act to amend the road law in Greenup county.

An act allowing the Clerk of the Washington Circuit Court further time to collect his fee bills.

An act to amend the act incorporating the Lebanon, New Market, and Springfield Turnpike Road Company, approved February 18, 1848.

An act to amend an act, entitled, an act to amend and reduce into one the several acts relating to the town of Georgetown, approved March 1, 1847.

An act to change the boundary lines of districts Nos. 1 and 2, in Mercer county.

An act in relation to the fees of Commonwealth's Attorneys.

An act to incorporate the Glasgow and Burksville Turnpike and Plank Road Company.

An act to amend an act, entitled, an act to amend the Campbell Turnpike Road Company, and for other purposes, approved February 26, 1849.

An act to amend an act authorizing the county of Fayette to subscribe stock in Railroad Companies.

An act to amend the charter of the town of Crab Orchard.

An act giving officers further time to collect taxes, and fees.

An act to amend the charter of the Southern Bank of Kentucky.

An act appropriating money to the Frankfort Cemetery Company, James Bell, and Robert Stevenson, for work and labor done and materials furnished in the improvements lately made around the State Military Monument.

An act to provide for a special Court of Appeals.

An act to provide for the organization of the militia of this State.

An act regulating the terms of the Muhlenburg and Hancock Circuit Courts.

An act to authorize the Circuit Courts of this Commonwealth to direct the sale of the real estate of lunatics.

An act for the benefit of the Maysville and Lexington Railroad Company, and the Louisville and Lexington Railroad Company.

An act to legalize the vote of the county of Fayette and city of Lexington to subscribe stock in the Maysville and Lexington, and Lexington and Danville Railroad Company.

An act authorizing the Chairman of the Board of Trustees of Winchester and certain other public officers to grant injunctions, &c.

An act to incorporate a Company to construct a bridge over Salt river.

An act to authorize the sale of the estates of infants and *femes covert.*

An act to authorize the County Court of Christian to subscribe stock in the Henderson and Nashville Railroad Company.

An act to charter the Danville and Bardstown Railroad Company.

An act to incorporate a Turnpike or Plank Road Company in the county of Franklin.

An act regulating proceedings against officers.

An act to repeal an act concerning private passways, so far as relates to Scott county.

Resolutions directing the Commissioners of the Sinking Fund to pay into the Treasury the January instalment of interest due on the School Fund.

Resolution authorizing the publication and distribution of the general laws.

And enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

An act to charter the city of Louisville.

An act supplemental to an act to prevent the destruction of fish in Barebone creek.

An act authorizing the Chancellor of the Louisville Chancery Court to direct certain streets and alleys in Shippingsport to be closed.

An act concerning the books and records of Justices of the Peace.

An act to amend the charter of the Cynthiana and Millersburg Turnpike Road Company.

An act to provide means to meet the casual deficit in the Treasury.

An act to incorporate the Georgetown and Lemon Mill Turnpike Road Company.

An act to amend an act, entitled, an act to incorporate the town of Neetsville.

An act to increase the powers of administrators with the will annexed.

An act to amend the act incorporating the Mayslick and Sardis Turnpike Road Company.

An act concerning County Courts in Monroe county.

An act to establish a State road in the counties of Caldwell, Livingston, and McCracken.

An act to repeal an act for the benefit of the devisees of Alfred Payne, approved March 7, 1850.

An act to repeal an act for the benefit of H. W. Martin, approved March 7, 1850, and for other purposes.

An act more effectually to protect the rights of persons holding an interest in slaves in reversion or remainder.

An act concerning the establishment of Ferries.

An act to authorize the Judge of the Scott Circuit Court to sign certain records.

An act prohibiting the sale of liquor or goods to students in the Kentucky Military Institute.

An act to incorporate the Iron Works Turnpike Road Company.

An act to fix the salaries of certain officers.

An act to legalize a survey on Wolf creek, in behalf of William McGuire.

An act to prevent slaves emancipated from remaining in the State.

An act organizing the department of the Auditor of Public Accounts, and fixing the salaries of the officers of said department.

An act to abolish the office of Secretary of the Board of Internal Improvement, and change the organization of said Board.

An act for the benefit of Martin Houser, of Boyle county.

An act for the benefit of the Sheriff of Laurel county.

An act to authorize the County Court of Woodford to establish an election precinct and voting place.

An act to alter district No. 2, in Pike county.

An act authorizing the appointment of Benjamin S. Thomas as Deputy Sheriff of Hancock county.

An act to amend an act, entitled, an act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes, approved February 22, 1834.

An act for the benefit of certain common school districts in the counties of Fayette, Floyd, and Cumberland.

An act to change the place of voting in the 5th Justices' district in the county of Owen.

An act to incorporate the Dallasburg Seminary, in Owen county.

An act to authorize the Chairman of the Board of Trustees of Paris to try misdemeanors in the breach of town ordinances.

An act for the benefit of the subscribers to the Logan, Todd, and Christian Turnpike Road Company.

An act to amend the act incorporating the town of Mayslick.

An act for the benefit of the heirs of D. W. Holeman, deceased.

An act to incorporate the Cynthiana Hotel Company.

An act to incorporate the Neptune Fire Engine and Hose Company, of Maysville.

An act to incorporate the Falmouth Library Association.

An act to amend an act, entitled, an act to prevent the destruction of fish in Little Kentucky river.

An act to repeal in part an act, entitled, an act extending the limits of the town of Shelbyville, approved March 3, 1851.

Resolution for printing the Code of Practice.

Resolution directing the printing of the act, entitled, an act to amend the militia law, and prescribing certain duties of the Adjutant General.

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate *pro tem.*, affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature. After a short time, Mr. Johnston reported that the committee had performed that duty.

The Speaker having vacated the Chair, Mr. Chiles moved the following resolution:

Resolved, That the thanks of the Senate be and the same are hereby tendered to the Hon. Ben. Edwards Grey, for the faithful, dignified, and impartial manner in which he has discharged the duties of Speaker of this body, during the present session. That the kindness and courtesy uniformly displayed by him, both in his official and individual capacity, to the members hereof, has been such as to excite our admiration and regard, and to stimulate the desire on our part for his future welfare and prosperity.

Which was unanimously adopted.

Mr. Pope moved the following resolution, viz:

Resolved, That the thanks of the Senate be and they are hereby tendered to J. Russell Hawkins, Clerk, and Thos. D. Tilford, Assistant Clerk of the Senate, for their uniform devotion to their duties and their courtesy to the Senators.

Which was unanimously adopted.

Mr. Eaker moved the following resolution, viz:

Resolved, That the thanks of the Senate be tendered to John D. McClure, Sergeat-at-Arms, and William G. Jones, Door-keeper of the Senate, for the prompt and faithful manner in which they have discharged their duties.

Which was unanimously adopted.

Mr. E. Hogan moved the following resolution, viz:

Resolved, That the thanks of the Senate be tendered to the several clergymen who have officiated in opening the Senate with prayer during the present session.

Which was unanimously adopted.

A message was received from the House of Representatives, announcing that they had received official information from the Governor, that he had approved and signed enrolled bills and resolutions, which originated in that House, of the following titles, viz:

An act to incorporate the Shelby Railroad Company.

An act to amend the act establishing the Police Court of Flemingsburg, approved January 21, 1851.

An act concerning the Police Judge of the town of Hawesville.

An act for the benefit of the National Guards of the city of Louisville.

An act for the benefit of George Stivers and William Woodcock.

An act to authorize the Trustees of Winchester to reduce the width of Main cross street in said town.

An act changing the boundary lines of District, No. 8, in Carter county.

An act to amend an act creating the offices of Police Judge and Town Marshals in the towns of Clinton and Moscow, in Hickman county.

An act for the benefit of Common Schools in Anderson county.

An act to establish the Police Court of Mount Carmel.

An act to incorporate the Board of Trustees of the town of Woodsonville.

An act to create the offices of Police Judge and Marshal in the town of Moscow, in Hickman county.

An act to authorize the County Courts of Nelson and Barren to subscribe stock in the Louisville and Nashville Railroad Company.

An act to repeal an act to establish a Police Court in the town of Mount Vernon.

An act for the benefit of the Sheriffs of Lewis and Mason counties.

An act to authorize the Trustees of the town of Owenton to convey town lots.

An act to give additional Commissioners to the Mountsterling and Jeffersonville Turnpike Road Company.

An act to amend the charter of the North Middletown, Mount Ida, and Mountsterling Turnpike Road Company.

An act repealing an act, approved January 21, 1851, in regard to Three Mile creek, in Lawrence county, and declaring said creek navigable.

An act extending the powers of the Mayor of the city of Maysville.

An act to authorize the commandant of the 36th regiment of militia to list for collection fines assessed in 1849.

An act for the benefit of Isham G. Hamilton, Clerk of the Boone County Court.

An act to change the corporate limits of the town of Moscow, in Hickman county.

An act to incorporate the Versailles Joint Stock Building Company.

An act to extend the limits of the town of West Liberty.

An act to incorporate a Turnpike Road from Germantown to Thompson's Ford, on the North Fork, in Bracken county.

An act authorizing the Winchester and Kentucky River Turnpike Road Company to erect gates on certain conditions.

An act further to regulate the town of Bowlinggreen.

An act to establish the town of Beatty, in the county of Owsley.

An act to incorporate Grant Lodge, No. 85, of Free and Accepted Masons.

An act to include the house and lot of Arthur Smith within the town of Cadiz.

An act to authorize the erection of a monument to the memory of Col. Richard M. Johnson.

An act to purchase a burial place in the Frankfort Cemetery.

An act providing for the election of Public Printer.

An act to create the offices of Police Judge and Marshal, in the town of Clinton, in Hickman county.

An act authorizing the County Courts of sundry counties to subscribe stock in railroad companies.

An act to amend the charter of the town of Paducah.

Approved 15th March, 1851.

An act concerning certain Magistrates' districts in Madison county.

An act to repeal an act to amend the charter of the Covington and Lexington Railroad Company, approved March 4, 1850; and also, an act supplemental to said act, approved March 6, 1850.

An act to establish the Police Court of Poplar Plains.

An act for the benefit of John M. Gallagher.

An act for the benefit of the Mechanics of Muhlenburg county.

An act for the benefit of certain Common School districts in Henderson, Henry, and Monroe counties.

An act for the benefit of Green Adams.

An act to allow John A. Hunt, of Laurel county, to vend goods, wares, and merchandise, without license.

An act for the benefit of the Sheriff of Rockcastle county.

An act for the benefit of the Sheriff of Whitley county.

An act to amend an act, entitled, an act to incorporate the Maysville, Orangeburg, and Mount Carmel Turnpike Road Company.

An act to change the place of voting from Sulphur Well to James Carter's, in Jessamine county.

An act to amend an act, entitled, an act incorporating the Trustees of the Parochial School of the Hanging Fork Presbyterian Church, approved February 9, 1850.

An act better to define the duties of the Keeper of the Penitentiary.

An act concerning Justices' and Constables' districts in Fleming county.

An act to reduce into one the several acts regulating the town of Madisonville.

An act regulating allowances to masters, auditors, and commissioners in chancery.

An act to give the Carroll and Gallatin County Courts control of the State roads in said counties.

An act to incorporate the Georgetown and Louisville Branch Railroad Company.

An act to incorporate the Stanford and Hustonville Turnpike Road Company.

An act to suppress the practice of adulterating spirituous liquors, &c.

An act to establish a Police Judge in the town of Carrollton.

An act to incorporate the town of New Castle.

An act to authorize the several Circuit Courts to change the venue in penal and criminal prosecutions.

An act to amend the charter of the Lexington Insurance Company.

An act to authorize the Montgomery County Court to levy a tax for re-building the Court House of said county.

An act fixing the period of Clerks and other officers listing their fee bills for collection in the present year.

Approved March 20, 1851.

An act to incorporate the Winchester, Kiddville, and Mountsterling Turnpike Road Company.

An act to amend the acts incorporating the Paris, Winchester, and Kentucky River Turnpike Road Company, and to authorize a transfer to the same of the Winchester and Kentucky River Turnpike Road Company's effects, &c.

An act further to define the powers of the Trustees of Winchester, and extend the privileges of its citizens.

An act for the benefit of the mechanics of Pulaski county.

An act to legalize the proceedings of the Bracken County Court, at its October term, 1850.

An act providing for the collection by the Sheriffs elected in May next, of the revenue of the present year.

An act to incorporate Hancock Lodge, No. 115, in Hancock county.

An act for the benefit of William T. Dudley, Clerk of the Fleming County Court.

An act to amend the charter of the Falls City Insurance Company, approved February 20, 1851.

An act to extend the limits of Independence, in Kenton county.

Approved March 21, 1851.

An act concerning certain Magistrates' and Constables' Districts in Lewis county.

An act making Lafayette, in Christian county, a place of voting.

An act to authorize the County Court of Bourbon to issue bonds and to subscribe stock in the Covington and Lexington, and in the Maysville and Lexington Railroad Companies.

An act to incorporate Springhill Lodge, No. 139, at Crab Orchard.

An act to alter certain districts in Barren county.

An act concerning Justices' and Constables' districts in Monroe county.

An act to change a voting place and certain Magistrates' and Constables' Districts in Ohio county.

An act granting the right of way and corporate privileges to the Clarksville and Hopkinsville Turnpike Company.

An act to incorporate the town of Raleigh, in Union county.

An act to extend the limits of Magistrates' and Constable's District, No. 7, in Knox county.

An act for the benefit of Aaron Dawson, Edward McClure, and John L. McCann.

An act to amend the charter of the Covington and Lexington Turnpike Road Company, and to incorporate the Georgetown and Dry Ridge Turnpike Road Company, as a separate and independent company.

An act to appoint Commissioners to change the boundaries of certain Magistrates' and Constables' districts in Owen county.

An act to amend the Justices' District of Lewisburg, in the county of Mason.

An act concerning Magistrates' and Constables' districts.

An act to establish a July term of the Wayne County Court.

An act regulating the duties of the Clarke County Court, and the appointment of the County Treasurer.

An act to amend an act, approved January 29, 1846, incorporating the town of Hillsboro', in Fleming county.

An act to establish the town of Lovelaceville, in Ballard county.

An act to amend an act, entitled, an act to incorporate the Sardis Turnpike Road Company, approved March 1, 1848.

An act to amend an act incorporating the Newtown and Leesburg Turnpike Road Company.

An act to prevent the destruction of fish in Floyd's fork.

An act to amend the charter of the Versailles and Shryock's Ferry Turnpike Road Company.

An act to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Company.

An act providing for special terms of the County Courts.

An act to amend an act, entitled, an act to incorporate the town of Lancaster.

An act to change the places of voting in District No. 3, in Simpson county; in District No. 5, in Woodford county; in District No. 8, in Breckinridge county; and in District No. 6, in Henderson county.

An act to change the line between Districts Nos. 2 and 3, in Mercer county.

An act to change certain districts in Spencer county.

An act establishing certain voting places in Harrison county.

An act to establish an additional Magistrates' and Constable's district in Nelson county, and to extend the boundary of No. 6.

An act to change the boundaries of, and place of voting in Magistrates' and Constables' district No. 2, in Scott county, and the voting place of district No. 2, in Grant county.

An act to incorporate the Owenton and Scott County Line Turnpike Road Company.

An act to incorporate the Owensboro' Building Company.

An act to change the boundary and place of voting in certain Magistrates' and Constables' Districts in Shelby county, and to provide for changing the voting place in District No. 5, in Hopkins county.

An act changing the boundary of Justices' district No. 6, in Marion county.

An act concerning districts for the election of Justices of the Peace

and Constables, to authorize the establishment of an additional district, and to change a place of voting in one district in Caldwell county.

An act changing the Justices' District in Muhlenburg county, and establishing an election precinct.

An act for the benefit of certain School Districts in Meade, Knox, Whitley, Nelson, and Greenup counties.

An act regulating the duties of the Christian County Court in laying the levy.

An act to amend the charter of the Lexington and Frankfort Railroad Company.

An act authorizing a change of the voting place in district No. 3, in Trimble county.

An act to establish the town of Woodville, in the county of Mason.

An act to amend the boundary of District No. 5, in Pendleton county.

An act to authorize the County Court of Montgomery to issue the bonds of said county for Internal Improvement purposes, and to establish a Board of Internal Improvement to manage said bonds.

An act providing for running and marking the line between Knox and Harlan counties.

An act to amend an act, entitled, an act to incorporate the Nashville and Louisville Railroad, approved March 4, 1850.

An act to incorporate Owen Division, No. 220, Sons of Temperance, in Owenton, Owen county.

An act for the benefit of school districts in Cumberland county.

Approved 22d March, 1851.

An act to establish two additional election precincts in Bullitt county.

An act for the benefit of Uriah G. Berry.

An act repealing all laws authorizing allowances to Clerks and Sheriffs for *ex officio* services.

An act for the benefit of Turnpike Roads in Lincoln county.

An act supplemental to an act, entitled, an act to incorporate the Lexington Savings Institution, approved February 10, 1851.

An act to amend the charter of the Newtown and Leesburg Turnpike Road Company.

An act to authorize the Mayor and Council of the city of Louisville to provide for the times, places and manner of holding the first election in 1851, under the charter of said city.

An act for the benefit of Philip Felton.

An act to provide for the election of the Police Judge and Marshal of the town of Lawrenceburg, and changing the limits of said town.

An act relative to Assessors of Tax.

An act to change the place of voting in Jamestown, in Campbell county,

An act in relation to the Marshal of the city of Frankfort.

An act for the benefit of Henry G. Mitchell and John Mitchell.

An act requiring officers of this Commonwealth to execute official bonds, and prescribing the manner of such execution.

An act to establish an additional election precinct in Jefferson county.

An act for the benefit of Francis McCauley.

An act to provide for the election of a Police Judge in the town of Richmond.

An act to amend an act, entitled, an act to incorporate the Transylvania School of Dental Surgery, approved March 7, 1850.

An act to legalize the subscription of stock by the Franklin County Court, in the Stamping Ground and Frankfort Turnpike Road Company, and to authorize the city of Frankfort to take stock in said road.

An act to authorize the people of Logan county to tax themselves, to assist in making the Louisville and Nashville Railroad, and for other Internal Improvements.

An act concerning free negroes and mulattoes.

An act to authorize Constables in Louisville, and certain districts in certain counties to appoint deputies.

An act to regulate tolls on the Crab Orchard and Madison fork of the Wilderness Turnpike Road, and the management of the Goose Creek and Trough Spring branch of said Road.

An act to amend the charter of the city of Maysville.

An act to incorporate the Catlettsburg and Grayson Plank Road Company.

An act in relation to certain Magistrates' districts in Garrard, Nicholas, Taylor, and Pendleton counties.

An act to charter the city of Louisville.

An act to incorporate the Georgetown and Lemmon's Mill Turnpike Road Company.

An act concerning County Courts in Monroe county.

An act to establish a State road in the counties of Caldwell, Livingston, and McCracken.

An act to prevent slaves emancipated from remaining in this State.

An act organizing the department of the Auditor of Public Accounts, and fixing the salaries of the officers of said department.

An act to abolish the General Court, and transfer its powers and jurisdiction to the Franklin Circuit Court.

An act to provide means to meet the casual deficit in the Treasury.

An act to amend the charter of the Cynthiana and Millersburg Turnpike Road Company.

An act concerning the books and records of Justices of the Peace.

An act authorizing the Chancellor of the Louisville Chancery Court to direct certain streets and alleys in Shippingsport to be closed.

An act supplemental to an act to prevent the destruction of fish in Barebone creek.

An act to amend an act, entitled, an act to incorporate the town of Neetsville.

An act to repeal an act for the benefit of H. W. Martin, approved March 7, 1850, and for other purposes.

An act to repeal an act for the benefit of the devisees of Alfred Payne, approved March 7, 1850.

An act to authorize the Judge of the Scott Circuit Court to sign certain records.

An act prohibiting the sale of liquor or goods to the students in the Kentucky Military Institute.

An act to amend the act incorporating the town of Mayslick.

An act to fix the salaries of certain officers.

An act to legalize a survey on Wolf creek in behalf of William McGuire.

An act more effectually to protect the rights of persons holding an interest in slaves in reversion or remainder.

An act concerning the establishment of ferries.

An act to incorporate the Iron Works Turnpike Road Company.

An act to change the place of voting in the 5th Justices' District in the county of Owen.

An act to authorize the Chairman of the Board of Trustees of Paris to try misdemeanors in the breach of town ordinances.

An act for the benefit of Martin Houser, of Boyle county.

An act for the benefit of the Sheriff of Laurel county.

An act authorizing the appointment of Benjamin S. Thomas as deputy sheriff of Hancock county.

An act to repeal, in part, an act, entitled, an act extending the limits of the town of Shelbyville, approved March 3, 1851.

An act to incorporate the Cynthiana Hotel Company.

An act for the benefit of certain Common School Districts in the counties of Fayette, Floyd, and Cumberland.

An act to amend an act, entitled, an act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes, approved February 22, 1834.

An act to authorize the County Court of Woodford to establish an election precinct and voting place.

An act to alter District No. 2, in Pike county.

An act to incorporate the Dallasburg Seminary, in Owen county.

An act for the benefit of the heirs of D. W. Holeman, deceased.

An act to incorporate the Neptune Fire Engine and Hose Company of Maysville.

An act to amend an act, entitled, an act to prevent the destruction of fish in Little Kentucky river.

An act to abolish the office of the Secretary of the Board of Internal Improvement, and change the organization of said Board.

An act to incorporate the Falmouth Library Association.

An act regulating the terms of the Clarke and Madison County Courts.

Resolution for printing the Code of Practice.

Resolution directing the printing of the act amending the militia law, and prescribing certain duties of the Adjutant General.

Approved March 24, 1851.

A message was received from the Governor, by Mr. Finnell, Secretary of State, announcing that the Governor had approved and signed enrolled bills and an enrolled resolution, which originated in the Senate, of the following titles, viz:

An act to establish the place of voting in the Keysburg District, in Logan county. Approved March 12, 1851.

An act to authorize the city of Louisville to subscribe stock in certain Railroads.

An act to incorporate the Deposit Bank of Maysville.

An act authorizing the construction of a mill dam across Pond river.

An act for the benefit of Abraham Boyd, of Trigg county.

An act to establish a Police Court in the town of Caseyville.

An act authorizing the Allen County Court to subscsibe stock in the Louisville and Nashville Railroad.

An act to amend the charter of the town of Hardinsburg.

Approved March 15, 1851.

An act to incorporate the Burlington and Florence Turnpike Road Company. Approved March 18, 1851.

An act providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein.

An act to incorporate the Springdale and Tollsburg Turnpike Road Company, in Mason and Lewis counties.

An act concerning the tax on licenses to coffee houses, taverns, and ten-pin alleys in the city of Louisville and county of Jefferson.

An act authorizing an alley to be closed in the town of Portland.

An act for the benefit of School District No. 16, Kenton county.

An act granting to the Marshal of Owenton, Owen county, the power and authority of a Constable.

An act to amend an act, entitled, an act for the benefit of William Smith, of Laurel county, approved March 7, 1850.

An act to repeal the fifth section of an act, entitled, an act to amend the charter of the city of Louisville, approved March 5, 1850.

An act to define the original corners of the town of Boston, in Whitley county.

An act to amend an act, entitled, an act to incorporate the Nashville and Louisville Railroad Company, approved March 4, 1850.

An act to provide for the payment of the debts now due, and for the further prosecution of the work on the Second Kentucky Lunatic Asylum, and to appoint Commissioners to visit the same.

An act to amend the charter of the city of Covington.

An act to incorporate the Deposit Bank of Danville.

An act to unite into one the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Shepherdsville Plank Road Company.

An act allowing to the county of Warren an additional district for the election of Justices of the Peace and Constables.

An act to incorporate the Greenville Mansion Hotel Company.

An act to incorporate the Paint Lick Presbyterian Church, in Garrard county.

Approved March 20, 1851.

An act for the benefit of the town of Russellville.

An act changing an election precinct in Jefferson county.

An act legalizing the proceedings of the Owsley County Court.

An act to incorporate the Baptist Church of Bedford, Trimble county.

An act to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons.

An act to incorporate the Waidsboro' and Marshall County Seminary.

An act for the benefit of the children of David and John Hogan.

An act to amend the charter of the city of Augusta.

An act for the benefit of Elizabeth C. Flournoy, of McCracken county.

An act to amend an act in relation to running and re-marking a part of the county line between Graves and Hickman counties.

An act to equalize the compensation for the collection of the revenue tax.

An act in relation to the Goose Creek Turnpike Road, in Knox and Clay counties.

An act defining the boundaries of the Magistrates' and Constables, Districts in Pulaski county.

An act for the benefit of John G. Holloway.

Approved March 21, 1851.

An act to authorize the Council of the city of Covington to create two additional voting precincts in said city.

An act in relation to the commissions of officers.

An act to provide for the payment of the unpaid orders of the School Commissioners.

An act for the benefit of George Johnson, of Morganfield.

An act for the benefit of Samuel G. Mullens, of Mercer county.

An act to amend the act establishing the Morgantown Seminary.

An act to reduce into one the several acts concerning peddlers' and fixing the amount of tax to be paid by them.

An act concerning coal mining in Hancock county.

An act to authorize the Grant County Court to lay an additional levy at their April or May term.

An act exempting every custom house, post office, court room, and other offices that may be erected within this Commonwealth, by the General Government, from taxation.

An act for the benefit of C. N Carder, Constable of Oldham county.

An act for the benefit of James McBride.

An act for the benefit of James McConnell.

An act for the benefit of the Sheriff of Knox county.

An act to amend the exemption laws.

An act to change the place of voting in an election precinct in Jefferson county.

An act for the benefit of the 57th regiment, in Garrard county.

An act to incorporate the Capital Hotel Company of Frankfort.

An act to establish an additional election precinct in Greenup county.

An act to authorize the county of Mercer and county of Boyle to subscribe stock in railroads, and other roads within said counties.

An act in relation to the revenue.

An act for the benefit of Colonel R. T. P. Allen.

An act to provide for changing the place of voting in the 5th district, in Nicholas county.

An act to incorporate the Washington Support and Health Insurance Company.

An act to change the lines of a Magistrates' and Constable's District in Boone and Russell counties.

An act to authorize the County Courts of Logan and Simpson to subscribe stock in the Louisville and Nashville Railroad Company, or in such railroad company as may pass through said counties.

An act concerning the Police Judge of the town of Hartford, in Ohio county.

Approved March 22, 1851.

An act to regulate elections.

An act to fix the time of holding Circuit Courts in this Commonwealth.

An act to revise the Statutes.

An act to amend an act, entitled, an act to incorporate the town of Shelbyville, approved February 26, 1846.

An act to authorize the Trustees of the town of Versailles, and the County Court of Woodford county, to give power to a company to establish water works in said town.

An act providing for the relief and discharge of securities for public officers.

An act to amend an act, entitled, an act to organize County Courts in the several counties, approved March 11, 1851.

An act to amend the charter of the Louisville and Frankfort Railroad Company.

An act for the benefit of G. W. V. McConnell, of Woodford county.

An act to incorporate the Newport and Licking Turnpike and Plank Road Company.

An act to reduce into one the several acts concerning the town of Campbellsville, in Taylor county.

An act to incorporate the Mississippi and Nashville Railroad Company.

An act to amend the charter of the town of Crittenden, in Grant county.

An act to establish an additional election precinct in Scott county.

An act for the benefit of Charles C. Kelly, clerk of the Washington Circuit Court.

An act to incorporate the Newport Safety Fund Bank of Kentucky.

An act prescribing the means and mode of opening and working roads in the county of Boone.

An act to incorporate the Big Bone Hotel Company.

An act to incorporate the Lexington, Harrodsburg, and Bowlinggreen Railroad Company.

An act to amend an act, entitled, an act to incorporate the town of West Point, in Hardin county, approved January 15, 1848.

An act to change the Magistrates' and Constables' Districts in Carter county.

An act for the appropriation of money.

An act for the benefit of A. W. Hamilton, and his securities, in a bond for public arms.

An act for the benefit of George J. Stockton, and his securities, in two bonds for public arms.

An act to establish a levy and monthly County Court for Jefferson county.

An act to incorporate the Glasgow and Burksville Turnpike and Plank Road Company.

An act to repeal an act concerning private passways, so far as relates to Scott county.

An act regulating proceedings against officers.

An act to incorporate a Turnpike or Plank Road Company in the county of Franklin.

An act to charter the Danville and Bardstown Railroad Company.

An act to legalize the vote of the county of Fayette and city of Lexington to subscribe stock in the Maysville and Lexington, and Lexington and Danville Railroad Company.

An act to provide for the organization of the militia of this State.

An act regulating the terms of the Muhlenburg and Hancock Circuit Courts.

An act allowing the Clerk of the Washington Circuit Court further time to collect his fee bills.

An act to provide for a special Court of Appeals.

An act giving officers further time to collect taxes, and fees.

An act to amend an act authorizing the county of Fayette to subscribe stock in Railroad Companies.

An act to amend the charter of the town of Crab Orchard.

An act to amend an act, entitled, an act to amend the Campbell Turnpike Road Company, and for other purposes, approved February 26, 1849.

An act authorizing the Chairman of the Board of Trustees of Winchester and certain other public officers to grant injunctions, &c.

An act to incorporate a Company to construct a bridge over Salt river.

An act to amend the charter of the Southern Bank of Kentucky.

An act appropriating money to the Frankfort Cemetery Company, James Bell, and Robert Stevenson, for work and labor done and materials furnished in the improvements lately made around the State Military Monument.

An act to authorize the Circuit Courts of this Commonwealth to direct the sale of the real estate of lunatics.

An act for the benefit of the Maysville and Lexington Railroad Company, and the Louisville and Lexington Railroad Company.

An act to amend the road law in Greenup county.

An act to change the boundary lines of districts Nos. 1 and 2, in Mercer county.

An act in relation to the fees of Commonwealth's Attorneys.

An act to amend an act, entitled, an act to amend and reduce into one the several acts relating to the town of Georgetown, approved March 1, 1847.

An act to authorize the County Court of Christian to subscribe stock in the Henderson and Nashville Railroad Company.

An act to amend the act incorporating the Lebanon, New Market, and Springfield Turnpike Road Company, approved February 18, 1848.

An act to authorize the sale of the estates of infants and *femes covert*.

Resolution authorizing the publication and distribution of the general laws. Approved March 24, 1851.

A message, in writing, was received from the Governor, by Mr. Finnell, Secretary of State.

The rule of the Senate being dispensed with, said message was taken up, and read as follows, viz:

TO THE SENATE OF KENTUCKY:

"*Resolution directing the Commissioners of the Sinking Fund to pay into the Treasury the January instalment of interest due on the School Fund.*"

"*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the commissioners of the sinking fund be and they are hereby directed to pay into the treasury, on or before the 24th inst., at 10 o'clock, a. m., the January instalment of interest due on the school bonds, or list of bonds, held by the board of education."

The above resolution was most certainly the result of hasty and inconsiderate action on the part of the legislature. For that reason, and for the reason that it is in contravention of the constitution, and because it was inoperative by its own provisions and could not be executed, I am constrained to withhold my signature and approval.

The governor and secretary, the first auditor, the cashier of the branch bank of Kentucky at Frankfort, the president of the bank of Louisville, residing in Louisville, and the president of the northern bank, residing in Lexington, constitute the board of commissioners of the sinking fund.

Three of the most eminent lawyers in Kentucky have given it as their opinion that the commissioners of the sinking fund were individually responsible for a misapplication of those funds. It is natural that each member should desire a full board, that each might fairly meet his due proportion of responsibility of a compliance with the order of the legislature.

On Saturday, the 22d, at 11 o'clock, and from that time until 11 o'clock of that night, there were presented to the governor, for his approval and signature, bills containing reading matter equal to seven hundred pages. Before 10 o'clock of the 24th about three hundred pages more were laid before the governor. The final vote taken on the resolution in the Senate, as I am credibly informed, was at 3 minutes before 10 o'clock on Monday the 24th, the precise time when the order commands the commissioners to perform its requisitions. At twenty minutes past 2 o'clock on the 24th I found the above resolution in a lot of bills presented for my approval. Thus had this short summons, requiring the attendance of two gentlemen, one from Lexington the other from Louisville, and allowing 3 minutes time to make the travel, expired by its own terms before it reached the executive table.

The resolution presents a question of still more importance than has been presented in any other form involving the true construction of the 34th section of the 2d article of the constitution.

The 11th article of the constitution provides that the legislature shall make provision, by law, for the payment of the interest on the school fund.

By an act of the legislature, approved the 1st of March, 1850, the second auditor is expressly directed, in a certain contingency, to pay the interest on the education bonds. The superintendent of public instruction drew his draft, including the January instalment of interest on the school fund, and the second auditor has paid the full amount of it. In an official report made in response to a call of the senate, the second auditor informed the legislature that he had paid the very instalment which the commissioners are now directed to pay. The law of 1850 has been indorsed by the legislature by more than one official act. And the records of the auditor's office will show that the larger portions of this money was drawn from the treasury by the members of the legislature, on the orders of the school commissioners of their respective counties. The payment was actually made, and under the provisions of law. The demand is then extinguished. There now exists no right on the part of the superintendent of public instruction, to make further demand on the commissioners or others—he is paid, and under a provision made by law.

Then the question arises, if the legislature make provision by law for the payment of the interest on the school fund, without calling on the proceeds of the sinking fund, can the legislature order the surplus of that fund paid into the treasury, to be used for the ordinary purposes of government? That it is competent for the legislature to make such provision, is too clear to admit of doubt. Can it be gravely argued, when such provision is made, that to make such provision, creates a demand against the sinking fund in favor of the state and confers the absolute right to use the avails of that fund for any other purpose of government? This is a question very different from the one decided by the legislature. Suppose in future, for a series of years, the legislature should make provision for the payment of the interest on the school fund by taxation, and it should happen that a large amount of surplus money accumulated of the funds of the sinking fund, and be invested or otherwise employed with a view to meet the public debt when it could be

had at par, and the legislature should want to sieze hold of it for other purposes than the payment of the public debt. By the precedent here given, nothing is left to be done but for a legislative order to pay it into the treasury, and then direct the ministerial officers to draft upon it for any purpose. If that can be done, then indeed has the convention attempted to do an idle thing in their effort to throw around that fund a constitutional sanctity and dedication for a given purpose.

The resolution is, of itself, non-enactment—it is a legislative command or order to ministerial officers to perform a duty now prescribed by law. The executive must be pardoned by the legislature when he takes pleasure in announcing to them, that though much fatigued by the labors of the past few months, he is *still alive*, and gives to the legislature unqualified assurances that he will, to the best of his skill and judgment, see that the laws of the commonwealth are faithfully executed.

For the foregoing reasons the executive cannot give his assent to this legislative order, and returns the same for reconsideration.

Four o'clock, March 24, 1851. JOHN L. HELM.

The roll of the Senate was called, and there being no quorum in attendance, the vote on said resolution, as prescribed by the Constitution, was not taken.

Ordered, That a message be sent to the House of Representatives, informing them of the readiness of the Senate to adjourn *sine die*, having finished their legislative business, and that Messrs. Patterson, Delany, and Sterett bear said message.

A message was received from the House of Representatives, announcing their readiness to adjourn *sine die*, having finished their legislative business; and that they had appointed a committee on their part to wait on the Governor and inform him that the General Assembly had finished the legislative business before them, and to know if he had any further communication to make.

Messrs. Irwin, Pope, and Rouse, were appointed a committee on the part of the Senate to wait on the Governor, and inform him of the readiness of the General Assembly to adjourn, having finished their legislative business, and to know if he has any further communication to make.

After a short time, Mr. Irwin reported that the committee had discharged the duty assigned them, and the Governor informed them that he had no further communication to make.

Whereupon, the Speaker resumed the Chair, and having delivered an appropriate valedictory address, adjourned the Senate *sine die*.

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